- J. Nofi
- 2 knows what could have happened. I was, you
- 3 know, 25 minutes away, while he's making me
- 4 drive around a drunken person with a drunken
- 5 girl and they were acting stupid.
- 6 Q. As drunk people usually do?
- 7 MR. GOODSTADT: Objection.
- 8 A. Well, real stupid.
- 9 O. Drunk people usually do?
- 10 MR. GOODSTADT: Objection.
- 11 A. Yes, intoxicated, I should say.
- 12 Q. Were you the only officer that
- 13 was manning Ocean Beach at that time?
- 14 A. I think there was maybe one other
- 15 officer.
- 16 O. So is it your testimony that
- 17 during your shift only two officers would
- 18 man Ocean Beach?
- 19 A. In certain times of the year,
- 20 yes.
- Q. What were those certain times of
- 22 the year?
- 23 A. In the wintertime we have less
- 24 people there but it's more dangerous
- 25 actually because there's less people there

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- J. Nofi
- 2 and a lot of burglaries happen.
- 3 Q. Anyone ever raped on Ocean Beach
- 4 that you're aware of?
- 5 A. Yes.
- 6 Q. When you were out driving a car?
- 7 A. No.
- 8 Q. Anyone murdered while you were
- 9 out driving the car, as you just testified
- 10 to?
- 11 A. I don't know.
- 12 Q. Anyone robbed when you were out
- driving the car as you just testified to?
- 14 A. Oh, I would say so, yes.
- 15 Q. How do you know that?
- 16 A. People told me.
- 17 Q. So it's based --
- 18 A. I'm sure it's in the records.
- 19 Q. It's based on what people told
- 20 you?
- 21 A. It's in the records, in the blog.
- 22 You have to look at the blog.
- 23 Q. Oh, we've got to look at the blog
- 24 now, okay, got it.
- Okay, let's look at paragraph

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- J. Nofi
- 2 158, sir. Let's look at sub-paragraph one,
- 3 that's the fourth line down.
- 4 A. Okay.
- 5 Q. Police officers drinking while on
- 6 duty, parenthesis, in the police station,
- 7 parenthesis, in local bars, I'm sorry,
- 8 semicolon, and while driving OBPD vehicles,
- 9 do you see that?
- 10 A. Uh-huh.
- 11 Q. Was there a policy -- let's talk
- 12 about officers drinking in bars.
- 13 Was there a policy that you are
- 14 aware of that said when you were not, when
- 15 an officer was not on duty, you could not
- 16 frequent a bar and drink?
- 17 A. Yes, there was.
- 18 Q. When was this policy instituted,
- 19 to the best of your recollection?
- A. Two years ago, three years ago.
- 21 O. While you were still aboard?
- 22 A. Yes. Chief Paradiso put it up on
- 23 the bulletin board, I seen it, and he also
- 24 sat everybody down and said he did not want
- 25 anybody frequenting the bars at all on or Precise Court Reporting

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- J. Nofi
- 2 off duty. He definitely said that, I heard
- 3 him say it, I was right there and he also
- 4 made a memo, it was on the wall.
- 5 Q. And did you ever frequent the
- 6 bars on Ocean Beach in your uniform?
- 7 A. No, unless I was going in there
- 8 for, you know.
- 9 Q. For police business?
- 10 A. Yes.
- 11 O. How about Mr. Fiorillo?
- 12 A. Or for a hamburger or something
- 13 like that, you know, in the back way though,
- 14 I went in the back way if I was getting
- 15 dinner. We used to go and order dinner,
- 16 then go in and pay for it.
- 17 O. So you wouldn't sit in the
- 18 establishment, you would order from the
- 19 establishment and take it from the back?
- 20 A. Yes.
- Q. How about Fiorillo, do you recall
- 22 if Mr. Fiorillo ever went to a bar while in
- 23 uniform?
- 24 A. Not --
- 25 Q. And sat in the establishment?

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- J. Nofi
- 2 A. Not that I can recall, no. I
- 3 know we have gone in houses where people
- 4 offered us food once.
- 5 Q. I'm talking about bars now.
- 6 A. Not that I know of. No, not that
- 7 I know of. I really couldn't tell you on
- 8 that.
- 9 Q. Have you ever gone into a house
- 10 while in uniform and sat down and had
- 11 drinks?
- 12 A. Never, nope. I know you're going
- 13 to show me a picture, I wasn't drinking
- 14 though.
- 15 Q. So you know the picture I'm going
- 16 to show you.
- 17 A. I sure do, we went there on a
- 18 call.
- 19 MR. GOODSTADT: Let him ask you
- a question.
- MR. NOVIKOFF: Let's mark the
- following document as 13.
- 23 (Photograph was marked as
- 24 Defendant's Exhibit-13 for
- identification; 9-9-08, A.S.)

- J. Nofi
- Q. Can you tell me who's in that
- 3 picture, sir?
- 4 A. Frank Fiorillo and me.
- 5 Q. And you both have your uniforms
- 6 on?
- 7 A. Yes, we do.
- Q. And is that in someone's house?
- 9 A. Yes.
- 10 Q. Whose house is that?
- 11 A. A complainant's house that we
- 12 went and confiscated beers right from the
- 13 front of their house.
- 14 Q. I'm sorry, whose house?
- 15 A. We confiscated beers. We went to
- 16 a complaint in the house and after the
- 17 complaint, when we got the kids out of the
- 18 front yard, they said they wanted to takes
- 19 pictures with us, but you can see I didn't
- 20 take a picture with anybody, I just sat
- 21 there. They took a picture of Frank.
- 22 O. And there's a woman on Frank's
- 23 lap?
- 24 A. Yes, there is. Everybody in
- 25 Ocean Beach wanted pictures with cops
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- J. Nofi
- 2 everyday.
- 3 MO MR. NOVIKOFF: Motion to strike
- 4 that aspect of what everyone wanted on
- 5 Ocean Beach.
- 6 Let's look at the next one,
- 7 Exhibit 14.
- 8 (Photograph was marked as
- 9 Defendant's Exhibit-14 for
- identification; 9-9-08, A.S.)
- 11 Q. Is this an Ocean Beach police
- 12 vehicle?
- 13 A. Yes, why?
- Q. I'm just asking.
- MR. GOODSTADT: Let him ask the
- 16 question.
- 17 Q. Is this an Ocean Beach police
- 18 vehicle?
- 19 A. I believe we had two. I think
- 20 this is the one of them, yes. This has the
- 21 lights on it, yes, it is.
- Q. And do you know who this person
- is, that's in the vehicle?
- A. I have no idea, not a clue.
- Q. Did you ever allow any citizens

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- J. Nofi
- 2 to sit in an Ocean Beach police vehicle?
- 3 A. People sat in them day in and day
- 4 out, in other words, just a common thing
- 5 over there.
- 6 Q.` I'm saying did you ever, not what
- 7 was common.
- 8 A. I might have let them sit to take
- 9 a picture.
- 10 Q. And is that against policy?
- 11 A. Not that I know of, no, everybody
- 12 did it.
- Q. Sir, I'm just asking you, was
- 14 that against policy?
- 15 A. No, not that I know of, no.
- 16 Q. Let's look at paragraph 164, next
- 17 page, page 39.
- 18 It's alleged in paragraph 164 the
- 19 following: The defendants Hesse and OBPD
- 20 published defamatory materials about
- 21 plaintiffs, including, without limitation,
- 22 do you see where I'm reading from?
- A. Yes, uh-huh.
- Q. Now, is paragraph 164 to your
- 25 knowledge referring to the blog? If you Precise Court Reporting (516) 747-9393 (718) 343-7227 (212) 581-2570

- J. Nofi
- 2 need to read it, then by all means.
- 3 A. Yes, the blogs and also
- 4 statements that he said in front of me and
- 5 in front of people.
- 6 Q. He being who?
- 7 A. George.
- 8 Q. Well, let's look at A.
- 9 A. Okay.
- 10 Q. Is A referring to the blogs?
- 11 A. A? What do you mean A?
- 12 Q. A, plaintiffs were dishonest men,
- do you see that? No, 164, sir.
- 14 A. Oh, okay, I see it now,
- 15 plaintiffs were dishonest men, rats and
- 16 roques, okav.
- 17 O. Is that referring to the blog or
- 18 referring to what was said at the meeting
- 19 after you left the island?
- 20 MR. GOODSTADT: Objection.
- 21 A. I know things pertaining to that
- 22 is said on the blog because I seen it
- 23 printed out but I'm not sure 100 percent
- 24 what was said when we left, but just, like I
- 25 said I said hearsay, there was a lot of

- J. Nofi
- 2 things being said by some of them but I
- 3 couldn't tell you.
- 4 Q. Let's look at E, by repeatedly
- 5 advising prospective employers that he had
- 6 terminated plaintiffs for cause, do you see
- 7 that?
- 8 A. No.
- 9 Q. Look down the middle, it goes A,
- 10 B, C, D and then E.
- 11 A. Okay.
- 12 Q. Four lines up from the bottom.
- 13 A. Okay, got you, repeatedly
- 14 advising prospective employees?
- 15 Q. Yes, is that allegation
- 16 pertaining to what Mr. Hesse allegedly said?
- 17 A. Okay, are you trying to tell
- 18 me that --
- 19 Q. Sir, I'm not trying to tell you
- 20 anything. I'm asking you to look at E.
- 21 A. Are you asking me then, are you
- 22 asking me that, what you're saying is that
- 23 is this some of the things that George said
- 24 about him right here, Officer Lamm?
- 25 Q. No, I'm saying paragraph 164

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- J. Nofi
- 2 references certain published defamatory
- 3 statements about plaintiffs, do you see the
- 4 first line of paragraph 64?
- 5 A. Right.
- 6 Q. Then it goes on to cite certain
- 7 examples, do you see that?
- 8 A. Is that what you are saying right
- 9 there?
- 10 Q. Let's just, so the record is
- 11 clear, sir, 164 starts off by saying that
- 12 defendants Hesse and OBPD published
- 13 defamatory statements about plaintiffs, do
- 14 you see that?
- 15 A. No, I don't.
- 16 Q. Top, first sentence of 164, start
- 17 with the number and then look to the right.
- 18 A. Okay, here, okay, got you, right
- 19 here. Got you, all right, go ahead.
- Q. Do you see where I just read?
- 21 A. Uh-huh.
- 22 Q. Then paragraph 164, there is
- 23 alleged examples of these published
- 24 defamatory statements, you would agree with
- 25 me?

- J. Nofi
- 2 A. Uh-huh.
- 3 Q. Then let's go to E. E says by
- 4 repeatedly advising prospective employees
- 5 that he had terminated plaintiffs for cause,
- 6 do you see that?
- 7 A. Uh-huh.
- Q. Is the he referring to George
- 9 Hesse?
- 10 A. Yes, I would say so.
- 11 Q. Okay, as it pertains to you only,
- 12 what employer did Hesse advise that you were
- 13 terminated for cause?
- 14 A. My belief is every one of them
- 15 that went for the job, every single one.
- 16 Q. And what evidence with regard to
- 17 Collier County do you have that shows that
- 18 Hesse advised them that you were fired for
- 19 cause?
- 20 A. Just from based on what I got
- 21 back from the records that you showed me,
- 22 and based on that what I got from Chief
- 23 Paradiso, what he said to me, and based on
- 24 what I got from Donaho in a nice way telling
- 25 me.

- J. Nofi
- 2 O. But you said Donaho didn't tell
- 3 you anything that Hesse said?
- 4 A. In a nice way, I didn't say he
- 5 told me anything. Just by listening to his
- 6 voice, you know.
- 7 Q. So it's from listening to the
- 8 voice now?
- 9 A. You know when someone is trying
- 10 to tell you something but can't tell you.
- 11 Q. Is there anything in Exhibit 9
- 12 that suggests that you were fired for cause?
- 13 A. To me there is, yes.
- 14 O. Tell me?
- 15 A. Everything that is crossed off.
- 16 Instead of marking excellent or good or fair
- 17 or poor, if I was looking for an application
- 18 and see somebody crossed that off without
- 19 any response, I would say, well, obviously
- 20 he doesn't like this guy and he doesn't want
- 21 to be hired. I mean that would be my
- 22 feeling.
- 23 Q. But you would agree with me,
- 24 Hesse didn't cross this out, this came from
- 25 what the investigator did?

- J. Nofi
- 2 MR. GOODSTADT: Objection.
- 3 A. Yeah, but he had to talk to him
- 4 to get that.
- 5 Q. Oh, okay, that's your
- 6 understanding?
- 7 A. Yes.
- Q. Got it.
- 9 What about, what other job did
- 10 you look for that you believe Hesse said
- 11 that you were terminated for cause?
- 12 A. I told you all the jobs before.
- 13 Q. Okay, go through the list again
- 14 so I can ask you specifically.
- 15 A. Suffolk County Health Department,
- 16 I forget to tell you about that, for the
- 17 police department I was going to drive. I
- 18 got a letter from Levy, I went for an
- 19 interview for a job to make the bus that I
- 20 have into a police bus, and when I went for
- 21 the interview they said to me, the first
- 22 thing they said is that do you know George
- 23 Hesse, I said yeah, and they had to contact
- 24 George Hesse, and I did everything right at
- 25 the interview and when I got out of there I

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- J. Nofi
- 2 was for sure I was going to get the job.
- 3 When they contacted George Hesse I never got
- 4 anything back from it and I did contact them
- 5 because they told me to contact them.
- 6 Q. Did anyone from that job tell you
- 7 that Hesse said that you were fired for
- 8 cause?
- 9 A. No, they can't, of course not.
- 10 MO MR. NOVIKOFF: Sir, motion to
- 11 strike.
- 12 Q. Did you ever see a document from
- 13 that job indicating that Hesse said you were
- 14 fired for cause?
- 15 A. No.
- 16 Q. Okay, what's the other job that
- 17 you applied for?
- 18 A. South Hampton town.
- 19 Q. And did anyone tell you that
- 20 Hesse advised that you were fired for cause
- 21 from South Hampton?
- 22 A. No, just what I told you what
- 23 they told me, that he gave me a bad
- 24 reference.
- Q. Well, let me make a blanket

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- J. Nofi
- 2 question, did anyone from any job that you
- 3 applied for after April 2, 2006 advise you
- 4 that Hesse told them that you were fired for
- 5 cause?
- 6 A. Not that I know of.
- 7 Q. Did you see a document from any
- 8 prospective employer that indicated that
- 9 Hesse said you were fired for cause other
- 10 than what you believed the document from
- 11 Collier County said?
- 12 A. Yes, I think I got one from, I
- 13 believe I got one from the New York State
- 14 taxation and finance and I got one from the
- 15 SPCA.
- 16 O. And it said on those documents?
- 17 A. No, no but I got responses, they
- 18 contacted my employer, past employer Ocean
- 19 Beach.
- 20 O. Did it say on those documents --
- 21 A. Of course not.
- Q. Excuse me, did it say on those
- 23 documents that you received that Hesse said
- 24 you were fired for cause?
- 25 A. Of course not, they're not going

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- J. Nofi
- 2 to do that, they're not going to say that.
- 3 MO MR. NOVIKOFF: Motion to strike
- 4 that last part.
- 5 Q. Okay, other than Hesse, did
- 6 anyone from the Ocean Beach Police
- 7 Department publish defamatory comments about
- 8 you?
- 9 MR. GOODSTADT: Objection.
- 10 Q. In your opinion.
- 11 A. I think they did.
- MR. GOODSTADT: Same objection.
- 13 A. In my opinion.
- 14 Q. Well, I know that's your opinion,
- 15 but who do you think did it?
- 16 A. I don't know but I think they
- 17 did.
- 18 Q. What evidence can you point to
- 19 where there was a defamatory statement made
- 20 about you other than from George Hesse?
- MR. GOODSTADT: Objection.
- 22 A. Very simple, I work and I see
- 23 people, talk to people, they ask me
- 24 questions, you know, talk about the
- 25 situation, a lot of times, you know,

- J. Nofi
- 2 everybody knows everybody. Walter Moller's
- 3 son works for the county, right where I
- 4 work. I see his son everyday. He knows, he
- 5 listens to his father, he tells other people
- 6 and so on and so on. You know, so I think
- 7 it spreads like wild flowers. I mean come
- 8 on, very simple.
- 9 Q. That's your answer?
- 10 A. Yes.
- 11 Q. You are going to stand with that
- 12 answer?
- 13 A. Yes.
- Q. Okay, great, let's move on.
- 15 Let's look at paragraph 176, sir.
- 16 176, it's alleged as set forth
- 17 above defendants Hesse, Ocean Beach, OBPD
- 18 and Suffolk County civil service
- 19 deliberately retained and advanced the
- 20 careers of uncertified and unqualified
- 21 personnel who served alongside plaintiffs as
- 22 police officers while defendant Loeffler,
- 23 mayor of Ocean Beach, negligently permitted
- 24 Hesse to do that. Do you see that?
- 25 A. Yes.

- J. Nofi
- Q. What is your evidence to
- 3 suggest -- well, would you agree with me
- 4 that April 2, 2006 was before Trustee
- 5 Loeffler became mayor?
- 6 A. Yes.
- 7 Q. So what is your evidence to
- 8 suggest, what's alleged in 176, that when
- 9 Mr. Loeffler became mayor he deliberately
- 10 retained and advanced the careers of
- 11 uncertified and unqualified personnel?
- MR. GOODSTADT: Objection.
- A. Hearsay.
- 14 O. Great, we can move on then.
- 15 Let's look at page 42, starting
- 16 five lines up.
- 17 A. From the bottom?
- 18 Q. No, from the top, continuing on
- 19 177.
- 20 A. That Pisetti is their attacker,
- 21 is that five lines up?
- Q. Yes, you got it.
- Now, that next sentence, although
- 24 defendant Loeffler stated that Officer
- 25 Pisetti's conduct constituted, quote,

- J. Nofi
- 2 assault second with a dangerous weapon,
- 3 closed quote, Loeffler made no effort,
- 4 parenthesis, either at that time in his
- 5 capacity as Village of Ocean Beach board
- 6 member, or later in his capacity as mayor of
- 7 Ocean Beach, to supervise Hesse's
- 8 investigation of and slash or response to
- 9 the incident or to relieve Pisetti of
- 10 command. Do you see that?
- 11 A. Yes.
- 12 Q. Let's just stick with Loeffler as
- 13 the trustee.
- 14 What power are you aware of that
- 15 Mr. Loeffler had as a trustee to supervise
- 16 Hesse's investigation?
- MR. GOODSTADT: Objection.
- 18 A. Say that one more time?
- 19 Q. What power to your knowledge did
- 20 Mr. Loeffler have as a trustee to on his own
- 21 supervise Hesse's investigation as it's
- 22 allege in 177?
- 23 MR. GOODSTADT: Same objection.
- A. I guess because he was on the
- 25 board of trustees, they have powers, they're

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- J. Nofi
- the ones who make the rules, they're the
- 3 ones who pay the police officers, don't
- 4 they?
- 5 Q. Is that your answer?
- 6 A. Yes, I would say so.
- 7 Q. Why didn't you sue the other
- 8 board members?
- 9 A. Because Loeffler came after the
- 10 fact, remember?
- 11 Q. What do you mean Loeffler came
- 12 after the fact?
- 13 A. He became the mayor.
- 14 Q. So you're suing Loeffler as
- opposed to the other board members because
- 16 Loeffler became mayor after the fact?
- 17 MR. GOODSTADT: Objection.
- 18 A. No.
- 19 MR. NOVIKOFF: I'm just trying
- to understand what his testimony is.
- 21 A. Okay, I didn't understand you.
- 22 O. You said you believed that
- 23 Loeffler as a trustee has the power to
- 24 supervise an investigation and he didn't do
- 25 so. So my question is, why didn't you sue

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- J. Nofi
- 2 the other trustees?
- 3 MR. GOODSTADT: Objection.
- 4 A. Who said they didn't do their
- 5 job?
- 6 Q. Is it your belief is that the
- 7 other trustees supervised Hesse's
- 8 investigation of the Halloween incident?
- 9 A. I wasn't at the Halloween
- 10 incident.
- 11 Q. Well, this is the allegation,
- 12 sir.
- 13 A. But the other trustees did listen
- 14 when I talked to the other trustees.
- 15 Q. Oh, you did?
- 16 MR. GOODSTADT: Objection. You
- 17 are getting into work product, as to
- why certain people were sued and why
- 19 certain weren't.
- MR. NOVIKOFF: I don't think so,
- let's continue on with your answer.
- 22 Q. You complained to other trustees?
- 23 A. No, not complained, talked, they
- 24 came and talked to us.
- Q. What other trustees did you talk

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- J. Nofi
- 2 to?
- 3 A. I don't know his name, he came to
- 4 me, talked to me. I forget his name.
- 5 Q. Well, you said other trustees,
- 6 now you are saying one? `
- 7 A. Other trustee.
- 8 Q. There's another trustee?
- 9 A. No, the one guy.
- 10 Q. Who's the other one?
- 11 A. Loeffler is another one.
- 12 Q. Right, right.
- 13 A. I think his name was Einick.
- 14 Q. What did you say to Einick,
- 15 assuming that's his name?
- 16 A. He said to us, I didn't say to
- 17 him, he told us that, you know, that you
- 18 guys are doing a really good job and there's
- 19 going to be changes and, you know, we know
- 20 there's a lot of things going on and we are
- 21 going to change it and I'm going to do my
- 22 best to fight and thing things. I remember
- 23 him telling us that.
- Q. When did Einick tell you that?
- 25 A. I don't know. I have no idea, a

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- J. Nofi
- 2 year, two years ago.
- 3 Q. Before you --
- 4 A. Yes, definitely way before I got
- 5 terminated.
- 6 Q. When you say way before, are you
- 7 talking about a year before?
- 8 A. I would say maybe nine months.
- 9 O. And where did this trustee tell
- 10 you this?
- 11 A. Right -- I was talking to him, I
- 12 believe right in front of Town Pizza.
- Q. Was anyone else present with you?
- 14 A. I think Frank Fiorillo was right
- 15 next to me. If I remember correctly, I
- 16 think it was Frank. There was an officer
- 17 with me, I think it was Frank. He was
- 18 telling us, because we were always out doing
- 19 our job, and he liked it and he said good
- 20 job and blah, blah, and people were always
- 21 coming up to me and telling me what a great
- 22 job I did, constantly in the village, non
- 23 stop, because I did what I was supposed to,
- 24 what I was trained to do.
- Q. What was your shield number?

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- J. Nofi
- 2 A. 214, Valentine's Day.
- 3 Q. So, now, other than this guy
- 4 Einick and Loeffler did you speak to any
- 5 other trustees concerning the investigation?
- 6 Well, did you talk to this guy Einick aboùt
- 7 the Halloween incident?
- 8 A. No.
- 9 Q. Okay, so I guess my question I'm
- 10 posing again is why didn't you sue the other
- 11 trustee members?
- MR. GOODSTADT: Objection.
- 13 O. Concerning the lack of
- 14 supervising Hesse's investigation of the
- 15 Halloween incident?
- 16 A. Because they weren't George's
- 17 friends. They weren't involved with George
- 18 like they were.
- 19 Q. So you sued Loeffler because he
- 20 was George's friend?
- 21 MR. GOODSTADT: Objection.
- 22 A. No.
- 23 Q. No?
- 24 A. No.
- 25 Q. How do you know the other

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- J. Nofi
- 2 trustees weren't George's friends?
- 3 A. I never seen him talk to George
- 4 as much as Loeffler talked to him, and
- 5 because he had a thing going on with George
- 6 too, because one time me and Frank had
- 7 Loeffler's son who stole a barbecue and we
- 8 caught him and we told Joe about, and he
- 9 said just hold off, I'm going to make my son
- 10 return it and he returned it back to the
- 11 people he stole it from, and when he
- 12 returned it it was empty and the girls were
- 13 complaining to us that when he stole it it
- 14 was full and he returned it empty, and
- 15 George knew about it and Loeffler knew about
- 16 it and they were in cahoots with things like
- 17 that, you know what I'm saying, so that's
- 18 why.
- 19 MO MR. NOVIKOFF: Motion to strike
- that part of the answer about being
- in cahoots.
- 22 Q. So you are saying Mayor
- 23 Loeffler's son stole a barbecue?
- 24 A. Yes. Frank Fiorillo caught him
- 25 and we had him return it.

- J. Nofi
- Q. And in the summer months, between
- 3 April and Labor Day, what shift did you
- 4 work?
- 5 A. Mostly nights.
- 6 O. Okay, and what were the hours?
- 7 A. Usually midnight to 8:00 or 5:00
- 8 to 1:30 at night.
- 9 O. And is it your testimony that
- during the midnight to 8:00 shift you would
- 11 see Hesse and Loeffler talking to each
- 12 other?
- 13 A. No.
- Q. When would you during your shift
- 15 would you see Loeffler and Hesse talking to
- 16 each other?
- 17 A. Any time, like it could have been
- 18 any time, it could have been anywhere from 5
- 19 o'clock up till 11:30 at night. Also he did
- 20 the ambulance stuff there. He used to come
- 21 on calls too so, I don't know if he still
- 22 does it or not but he used to do it.
- Q. You didn't know what they were
- 24 talking about, did you?
- MR. GOODSTADT: Objection.

- J. Nofi
- A. Not always, no.
- 3 Q. For all you know they could have
- 4 been talking about the ambulance part of
- 5 Loeffler's duties, correct?
- 6 A. Yes, if you say so.
- 7 Q. Well, I don't say so, I'm just
- 8 saying that could have been part of the
- 9 conversation?
- 10 A. Could have been, I don't know.
- 11 Q. Okay, let's go to page one of
- 12 your complaint, sir.
- 13 Did you make any complaints to
- 14 Newsday prior to your last day of
- 15 employment?
- 16 A. No, I didn't, no.
- 17 O. Did you make any complaints about
- 18 what was going on in your opinion at Ocean
- 19 Beach to any newspaper publication?
- 20 A. Listen, I wanted to make plenty
- 21 of complaints but I was scared.
- 22 MO MR. NOVIKOFF: Motion to strike
- Q. Sir, did you make any complaints
- 24 to any newspapers prior to your last day of
- 25 employment concerning what you believed was

- J. Nofi
- 2 going on in Ocean Beach?
- 3 A. No.
- 4 Q. Did you make any complaints to
- 5 any radio or other media outlets?
- 6 A. No.
- 7 Q. Did you go to any board meetings
- 8 and speak out against what was going on?
- 9 A. No.
- 10 Q. Did you send any letters to any
- 11 members of the board --
- 12 A. No.
- 13 O. -- complaining about what you
- 14 believed was going on in Ocean Beach?
- 15 A. No.
- 16 O. So, if I understand your
- 17 testimony, the entirety of your allegations
- 18 against complaints that were made were for
- 19 the most part involving complaints to George
- 20 Hesse, a couple to Paradiso, and one or two
- 21 to Loeffler?
- MR. GOODSTADT: Objection.
- Q. Is that a fair characterization
- of your testimony?
- 25 A. Well, well, I would say since you

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- J. Nofi
- 2 got beaten for drinking beer, I was kind of
- 3 scared to go any further than that. You
- 4 know, where was I supposed to go with it,
- 5 you know what I'm saying? I have two kids,
- 6 three kids, a wife, I know where you live,
- 7 you know what I mean? I wasn't going to go
- 8 too further with it anymore than I wanted to
- 9 do. I went to where, as far as I went to,
- 10 was that and to my lawyers, and after that I
- 11 didn't want to do anymore because I was
- 12 petrified.
- 13 MO MR. NOVIKOFF: Motion to strike
- 14 as not responsive.
- 15 O. Sir, I'm more interested and my
- 16 guestion was focusing on who you made
- 17 complaints to.
- 18 A. You have all of my complaints.
- 19 Q. Is a fair characterization of
- 20 your testimony that with regard to what you
- 21 believe was taking place in Ocean Beach
- 22 while you were employed there, the entirety
- 23 of your complaints were to Hesse, a few to
- 24 Paradiso, and a few to Loeffler?
- 25 A. I don't think I did because I

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- J. Nofi
- 2 think the other officers did that, I don't
- 3 think I did that.
- 4 Q. So you didn't make any complaints
- 5 to Loeffler, is that your testimony?
- 6 A. No, you said written complaints.
- 7 Q. Sir, I just said complaints.
- 8 A. No, of course I made complaints
- 9 but I didn't do any written complaints.
- 10 Q. Let me repeat the question.
- 11 Is it a fair characterization of
- 12 your testimony that with regard to
- 13 complaints that you may have made concerning
- 14 what you believed was going on at Ocean
- 15 Beach while you were employed, they were for
- 16 the most part to Hesse, a few to Paradiso
- 17 and one or two to Loeffler?
- 18 A. Yes, and I think I may have made
- 19 a complaint to the recent mayor also, Mayor
- 20 Rogers. I think her name is Rogers, I'm
- 21 pretty sure verbally.
- Q. The recent mayor?
- 23 A. Before Loeffler too, I think I
- 24 may have complained to her once.
- 25 Q. So now what did you complain to

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- J. Nofi
- 2 Mayor Rogers about?
- 3 A. I don't know, just stuff going on
- 4 that wasn't supposed to be going on.
- 5 Q. Where did you make the complaint?
- 6 A. In the street.
- 7 Q. What did you say to her?
- 8 A. Just that, I can't remember, it
- 9 was just a complaint about something, just
- 10 something that was going wrong.
- 11 Q. How long prior to your last day
- 12 of employment?
- 13 A. I don't know, six months, seven
- 14 months.
- 15 Q. Okay, and was that the only time
- 16 you spoke to Mayor Rogers concerning a
- 17 complaint that you had?
- 18 A. Yes, because I think Frank put it
- in statements, so that's why I didn't make
- 20 anyway more complaints.
- Q. What do you mean, Frank put what
- in a statement?
- 23 A. I think he wrote, you know, wrote
- 24 complaints to her, I'm not sure, I think.
- Q. Why would it matter what Frank

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- J. Nofi
- 2 was writing about?
- 3 A. Because I'm his partner, I was
- 4 his partner there a lot of times.
- 5 Q. So you relied on Frank to make
- 6 the complaints instead of you?
- 7 A. No.
- 8 MR. GOODSTADT: Objection.
- 9 A. No.
- 10 Q. So my question, sir, is other
- 11 than this one complaint that you don't
- 12 recall what you said to Miss Rogers, was
- 13 there another time that you complained to
- 14 Miss Rogers?
- A. My answer is, no, because I was
- 16 scared.
- 17 MO MR. NOVIKOFF: Motion to strike
- 18 the last part.
- 19 Q. When did you first get scared
- 20 about complaints being raised by you?
- 21 A. The first time I complained.
- 22 O. Which would have been when in
- 23 relation to when you were first hired?
- 24 A. 2000 -- like I said when the
- 25 uncertified guys came, which was probably

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- J. Nofi
- 2 2005 I believe.
- 3 Q. You are saying the uncertified
- 4 guys came in 2005?
- 5 A. Yes, I think so, 2005. I'm not
- 6 sure of the date, I'm not sure.
- 7 O. Okay.
- 8 A. 2004, I don't know the date.
- 9 Q. So you don't know the date, you
- 10 are just quessing?
- 11 A. Yes.
- 12 Q. When was the last complaint that
- 13 you made to Hesse before your last day of
- 14 employment?
- 15 A. Maybe four, five weeks before or
- 16 a couple of months before, I'm not sure.
- 17 Q. What was the complaint about?
- 18 A. Probably complaining about taking
- 19 the drunken guys off duty all the time,
- 20 taking them off drunk.
- Q. This would have been during the
- 22 winter?
- 23 A. Complaining about me fixing the
- 24 flat tires, why they made the flat tire, why
- 25 should I have to fix the flat tire.

- J. Nofi
- Q. Sir, you believe in the winter of
- 3 2006 you complained to Hesse about the flat
- 4 tires?
- 5 A. I don't know the date.
- 6 Q. Is i't your testimony that in the
- 7 winter of 2006 you complained to Hesse about
- 8 driving drunken officers off the island?
- 9 A. I would say so, yes.
- 10 O. Well, did you fix a flat tire?
- 11 A. Twice.
- 12 Q. When was the first time?
- 13 A. I don't remember.
- 14 Q. Did you fix a flat tire in
- 15 January of '06?
- 16 A. I'm not sure, I don't know.
- 17 Q. Did you fix a flat tire in
- 18 February of '06?
- 19 A. I don't know.
- 20 Q. March of '06?
- 21 A. I don't know.
- O. How about December of '05?
- A. Don't know.
- Q. November of '05?
- 25 A. All I know is I fixed two flats.

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- J. Nofi
- Q. How about October of '05? In
- 3 2005 did you fix a flat tire?
- 4 A. I don't know the date.
- 5 O. So it could have been in '04?
- A. I really don't know the date.
- 7 O. Could have been in --
- 8 A. I think it was, I'm not really
- 9 sure. I just know it was when all those
- 10 guys were working because Pisettis put the
- 11 flat on it and I don't know what date that
- 12 was, because I was told that he put the flat
- 13 on it.
- Q. Did you drive any drunk people
- off the island in January of '06?
- 16 A. January '06, I might have.
- 17 Q. Do you recall as you sit here
- 18 today?
- 19 A. What?
- 20 Q. Do you recall as you sit here
- 21 today doing it?
- 22 A. Doing what, driving them off?
- Q. Driving a drunk person off in
- January of '06?
- 25 A. I don't know. I probably did but

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- J. Nofi
- 2 I don't know.
- 3 O. How about February of '06?
- 4 A. No, I did not, no. No, it was
- 5 the last time I did was December, probably
- 6 December because I got let go. My last day
- 7 was January 1, 2006. I believe I worked New
- 8 Years Eve, New Years Day.
- 9 Q. Did you drive anyone off the
- 10 island drunk, well, did you drive any drunk
- 11 people off the island --
- 12 A. No, but they were drunk.
- 13 Q. -- in December of 2005?
- 14 A. No, I did not.
- 15 Q. But they were drunk?
- 16 A. Yes, they were. That day I did
- 17 not.
- Q. Who's they?
- 19 A. Pisettis, I think it was, or I'm
- 20 trying to think who else was there. It
- 21 wasn't that many people but there was a
- 22 couple of parties going on.
- Q. Were the Pisettis on duty?
- 24 A. No. I think I was the only one
- 25 on duty, me, and I think Frank worked with

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- J. Nofi
- 2 me. I'm pretty sure it was two of us on.
- 3 Q. Was there any prohibition against
- 4 the Pisettis going to a party off duty and
- 5 getting drunk?
- A. I never seen them at a party,
- 7 only maybe once or twice, but I'm not
- 8 talking about parties, I'm talking about
- 9 bars.
- 10 Q. Was there any prohibition against
- 11 the Pisettis on New Years Day of '06 being
- 12 at a bar and getting drunk?
- 13 A. Was there any what?
- Q. Was there any prohibition, was
- 15 there any policy saying they couldn't do
- 16 that?
- 17 A. Yes, I told you, chief said
- 18 nobody was allowed to frequent the bars.
- 19 Q. Okay, was the chief still the
- 20 chief on January 1, 2006?
- 21 A. I believe by law he still was,
- 22 yes, I think he still was.
- 23 Q. By law?
- A. By law he still was the chief,
- 25 yes.

1 J. Nofi 2 Okay, we're done. MR. NOVIKOFF: 3 Let's take a break, the end of the 4 tape. 5 THE VIDEOGRAPHER: This is the 6 end of tape number four. The time is 7 3:55 p.m., going off the record. 8 (A discussion was held off the 9 record.) 10 THE VIDEOGRAPHER: This begins 11 tape number five. The time is 4:08 12 p.m., back on the record. 13 Q. Let's look at Exhibit 1, 14 paragraph 30, which is on page eight. It's 15 alleged in paragraph 30 that in or around 16 May of 2002 Hesse began to install and 17 consolidate a regime of corruption, cronyism 18 and outright thuggery in the Ocean Beach 19 police department. Do you see that? 20 Α. Uh-huh. 21 Q. What is your understanding as to 22 what is being stated in this allegation? 23 Α. I guess when he started hiring 24 all of his friends. 25 Q. Who are his friends?

- 1 J. Nofi 2 Α. The uncertified guys, buddies. 3 Who were they? Q. 4 Α. You know, the Pisettis, Hardman, 5 what do you call, I can't think of the other 6 guy's name now. There was a few others too 7 but I can't think of their names. 8 Ο. So at least for this allegation 9 that started in May of 2002? 10 Α. Yes. 11 Ο. And was Chief Paradiso, well, was 12 Mr. Paradiso the chief of police at the 13 time? 14 Α. Yes. 15 Ο. To your knowledge as between 16 Chief Paradiso and Mr. Hesse, who had the 17 authority to hire? 18 MR. NOVIKOFF: Let's take a break 19 then. 20 THE VIDEOGRAPHER: The time is 21 4:10 p.m., we are going off the record. 22 (A discussion was held off the 23 record.)
- 24 THE VIDEOGRAPHER: The time is

 25 4:10 p.m., back on the record.

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- J. Nofi
- 2 Q. To your knowledge, sir, in May of
- 3 2002 was Mr. Paradiso the chief of police?
- 4 A. Yes.
- 5 O. And Mr. Hesse was his
- 6 subordinate, correct?
- 7 A. Yes.
- 8 O. Mr. Hesse was the deputy chief,
- 9 to your knowledge? Well, what was your
- 10 knowledge, if you had any, in May of 2002 as
- 11 to what Mr. Hesse's title?
- 12 A. I think he was the sergeant then.
- 13 O. Did he have authority to hire
- 14 employees at the time, to your knowledge?
- 15 A. Yes, I think so.
- 16 Q. What is the basis of your opinion
- 17 that he had the authority to hire police
- 18 officers at that time as sergeant?
- 19 A. Because the first day I went to
- 20 work he told me that the fat piece of shit
- 21 that sits in that chair doesn't do nothing
- 22 here. I'm the boss, if you have any problem
- 23 you talk to me, you come to me. He's an
- 24 asshole, everything you do you come to me.
- 25 Q. And he was referring to whom?

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- J. Nofi
- 2 A. Chief Paradiso, the chief's
- 3 chair, there's only two chairs in the
- 4 office.
- 5 Q. And that's the basis for your
- 6 opinion that Mr. Hesse had the authority to
- 7 hire people?
- 8 A. I would say so, yes.
- 9 Q. I'm just asking you, sir, is that
- 10 the basis for your opinion that Mr. Hesse
- 11 had the authority to hire people?
- 12 A. Yes.
- 13 Q. Hire police officers?
- 14 A. Yes.
- 15 Q. Paragraph 31, indeed several
- 16 purported officers in the Ocean Beach police
- 17 department failed to even take, let alone
- 18 pass, the regiment of tests required for
- 19 certification as a police officer in Suffolk
- 20 County.
- 21 Who is being referred to when
- 22 it's alleged several purported officers?
- 23 A. The names I said before.
- 24 Q. Okay.
- 25 A. And also I believe there was one

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- J. Nofi
- or two other guys that I don't know their
- 3 names, but I think they were just peace
- 4 officers, not police officers.
- 5 Q. What officer was hired for the
- 6 first time in 2005 that in your opinion was
- 7 uncertified?
- 8 A. 2005?
- 9 Q. Yes.
- 10 A. I don't know.
- 11 Q. What officer in your opinion was
- 12 hired in 2004 that was uncertified?
- 13 A. I'm not sure.
- 14 O. What officer was hired for the
- 15 first time in 2003 that in your opinion was
- 16 uncertified?
- 17 A. I'm not sure. I think it was
- 18 just, it could have been just after 2002 or
- 19 just at that time that a couple were hired,
- 20 I believe, or right after that time, I'm not
- 21 sure. You see, my time, the dates, I'm not
- 22 sure with the dates.
- Q. Let's look at paragraph 34. It's
- 24 alleged as follows: Moreover, beginning in
- 25 May of 2002 Hesse undertook a concerted

- J. Nofi
- 2 effort to advance a hand picked cadre of
- 3 uncertified and unqualified police officers
- 4 who had not been certified for duty by the
- 5 civil service department in Suffolk County.
- 6 Do you see that?
- 7 A. Yes.
- Q. What did you mean when you wrote,
- 9 when you and the other plaintiffs alleged a
- 10 concerted effort to advance, as it's used in
- 11 paragraph 34?
- MR. GOODSTADT: Objection.
- 13 A. Oh, I would say that he wanted
- 14 those guys with him so he can basically do
- 15 whatever he wants to do when he wants to do
- 16 it.
- 17 Q. Okay, so when it's alleged effort
- 18 to advance, you are not, it's not being
- 19 referred to as a promotion, is it?
- 20 A. It might be but I'm not sure.
- 21 Q. Okay, and it's your guess as to
- 22 what the phrase effort to advance means,
- 23 correct?
- 24 A. Yes.
- 25 Q. 34, second sentence, these newly

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- J. Nofi
- 2 hired uncertified officers soon aligned
- 3 themselves with Hesse and his friends on the
- 4 force.
- 5 Who were Hesse's friends on the
- 6 force, separate and apart from the
- 7 uncertified officers?
- 8 A. What line are we at?
- 9 Q. Second line, paragraph 34; second
- 10 sentence, paragraph 34.
- 11 A. Okay, duly by the civil service
- 12 department of Suffolk County, is that what
- 13 you're reading?
- Q. Right after that.
- 15 A. Soon aligned themselves with
- 16 Hesse and his friends on the force.
- 17 Q. Who are his friends?
- 18 A. Just, you know, all the ones that
- 19 he hired and --
- Q. Go ahead, I don't mean to
- 21 interrupt.
- 22 A. The ones that he hired, that he
- 23 became friends with, that he knew before he
- 24 hired them he was friends.
- Q. Sir, I want to show you the

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- J. Nofi
- 2 sentence again. It says these newly hired
- 3 uncertified officers soon aligned themselves
- 4 with Hesse and his friends. So, in this
- 5 sentence we have a group of newly hired
- 6 uncertified officers aligning themselves
- 7 with Hesse, do you see that?
- 8 A. Yes.
- 9 Q. And Hesse's friends. So, who's
- 10 Hesse's friends?
- 11 A. On the force it says too.
- 12 Q. Right, on the force, who is being
- 13 referred to when it says friends on the
- 14 force?
- 15 A. Say names again?
- 16 Q. Yes.
- 17 A. The Pisettis.
- 18 Q. But they were uncertified?
- 19 A. Uncertified, right.
- MR. GOODSTADT: Objection.
- Q. So there's a distinction here,
- 22 sir?
- MR. GOODSTADT: Objection.
- Q. Do you see that, let's look at
- 25 that sentence.

- J. Nofi
- 2 MR. GOODSTADT: You are
- 3 characterizing it as a distinction.
- 4 MR. NOVIKOFF: Well, I think
- 5 fourth grade English characterizes it
- 6 as a distinction, but let's go ahead.
- 7 Q. These newly hired uncertified
- 8 officers soon aligned themselves with Hesse,
- 9 do you see that?
- 10 A. Yes.
- 11 Q. And his friends, right? So, you
- 12 have already told me who the uncertified
- 13 officers were. Do you recall that, and
- 14 among them were the Pisettis, right?
- 15 A. And a few others.
- 16 O. And a few others. So we have the
- 17 Pisettis and a few others align themselves
- 18 with Hesse and his friends. Who do the
- 19 Pisettis and the few others align themselves
- 20 with, when it's being referred to as
- 21 friends?
- 22 A. Okay, his friends that were
- 23 busted in Ocean Beach, that were caught with
- 24 drugs, okay, caught with other breaking
- 25 laws, of the law in the village. After

- J. Nofi
- 2 these people got in trouble, which was
- 3 people for domestic disputes, okay, who were
- 4 arrested for domestic disputes, people were
- 5 arrested for possession of drugs, those were
- 6 his friends, after the fact, that he
- 7 arrested them and had been arrested, was he
- 8 still friendly and frequent with them.
- 9 Right after they were arrested he still
- 10 became friendly with them. In fact the ones
- 11 that were caught and busted actually came in
- 12 our headquarters and used the police
- 13 computer, and I used to be like wait a
- 14 minute, who said you have the right to go on
- 15 that, that's a police computer, and they
- 16 told me George Hesse said I could use it,
- 17 and then I would say George, is that
- 18 allowed, he said yes, and those were people
- 19 already busted by the same people that
- 20 you're talking about.
- 21 MO MR. NOVIKOFF: Motion to strike
- that last part with regard to the
- story.
- Q. So, if I understand your
- 25 testimony correctly, the friends that are

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- J. Nofi
- 2 being referred to were not police officers
- 3 but criminals and individuals with that type
- 4 of, who did that type of conduct on the
- 5 beach?
- 6 A. Right.
- 7 MR. GOODSTADT: Objection.
- 8 Q. Got it, okay.
- 9 Let's look at paragraph 36. When
- 10 did you first make a complaint to Hesse
- 11 concerning uncertified officers drinking in
- 12 the local bars?
- 13 A. The first time I seen it.
- Q. Which was when?
- 15 A. I don't know, three years ago.
- 16 Q. Okay, well, three years ago,
- 17 three years before your last day of
- 18 employment or three years ago from today?
- 19 A. No, three years ago from my last
- 20 day of employment.
- Q. So it would have been in or
- 22 around April of 2003, correct?
- 23 A. I would say so, yes.
- Q. Okay, perfect, let's look at
- 25 paragraph 37.

- J. Nofi
- 2 Is paragraph 37 referring to
- 3 Hardman, that you testified earlier about?
- 4 A. Yes, it is.
- 5 Q. Was there any other example when
- 6 you made a 10-1 call to Hardman and it
- 7 wasn't responded to?
- 8 A. No, there wasn't.
- 9 Q. So this is the only example in
- 10 your entire employment history that Hardman
- 11 did not respond appropriately to a 10-1
- 12 call?
- 13 A. No. He didn't respond
- 14 appropriately to quite a few, but this was a
- 15 major one.
- 16 Q. 10-1 is a major one?
- 17 A. Yes.
- 18 Q. Did Hardman, do you have any
- 19 other examples of Hardman not responding to
- 20 a 10-1 call?
- 21 A. Not a 10-1, no, just other calls.
- Not a 10-1 though.
- Q. Right, 10-1 refers to an officer
- 24 being in danger?
- 25 A. Yes.

- 1 J. Nofi 2 Ο. Paragraph 38, plaintiffs allege that upon information and belief the Suffolk 3 4 County police department compounded and 5 exacerbated this severe danger to public 6 safety by allowing certain of the uncertified officers to obtain firearms 7 8 certification, even though these officers 9 didn't have pistol permits and had not been 10 trained or certified by the Suffolk County 11 police academy, or any other accredited police officers training agencies in Suffolk 12 13 County. Do you see that? 14 Α. Yes. 15 What's the basis for that Q. 16 allegation, sir? 17 MR. GOODSTADT: Objection. 18 Well --Α. 19 Q. To the extent you know. 20 Well --Α. 21 MR. GOODSTADT: Objection. 22 From what I know and was told and Α. 23 understand is that when you're a city police 24 officer and you retire, to carry a gun you
 - That's the law. Precise Court Reporting (516) 747-9393 (718) 343-7227 (212) 581-2570

must have a gun permit.

25

- J. Nofi
- Q. Who told you this?
- 3 A. I believe I asked civil service
- 4 when I went to ask them and also off duty
- 5 New York City police officer told me.
- 6 Q. Who was that off duty New York `
- 7 City police officer?
- 8 A. Someone that I talked to.
- 9 Q. Who's the name?
- 10 A. I don't know his name, just
- 11 somebody that I asked the question of, a cop
- 12 that was off duty.
- 13 Q. When did you ask him this
- 14 question?
- 15 A. When did I ask him?
- 16 Q. Yes, when?
- 17 A. I don't know, two, three years
- 18 ago. You know, cops, they were there all
- 19 the time.
- 20 Q. Is it two, three years before
- 21 your last day of employment or two, three
- 22 years ago from today?
- 23 A. Yes.
- Q. So it's two years prior?
- 25 A. Not even two years, two years, 18

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- J. Nofi
- 2 months, something like that.
- 3 Q. Prior to your last day of
- 4 employment?
- 5 A. Yes, in April.
- 6 Q. But you don't know the name of
- 7 this cop?
- 8 A. No.
- 9 Q. Why did you ask this cop this
- 10 question?
- 11 A. We just started talking. I talk
- 12 to everybody. We have conversation and I
- 13 asked.
- 14 Q. Is it your allegation, sir, that
- 15 the Suffolk County police department was
- 16 violating the law by permitting these
- 17 uncertified officers to obtain firearms
- 18 certification?
- 19 A. I guess they were, yes, they
- 20 should have known.
- Q. Did you file any complaint about
- 22 this?
- 23 A. Yes, we filed a complaint. They
- 24 know, we filed a complaint. We filed it
- 25 against the civil service department,

- J. Nofi
- 2 Suffolk County police academy and Ocean
- 3 Beach.
- 4 Q. You filed a complaint against the
- 5 police academy or the police department?
- 6 A. I think it was the police academy
- 7 or department, I don't know.
- 8 Q. So, by virtue of this complaint,
- 9 you were making a complaint about the police
- 10 department allowing uncertified officers to
- 11 have a firearms certification?
- 12 A. Yes, sir, yes.
- 13 Q. You guess so?
- 14 A. Yes.
- 15 Q. Okay, what brands is did
- 16 Mr. Hesse ask you to confiscate, what brands
- 17 of beer?
- 18 A. What brands of beer?
- 19 Q. Yes.
- 20 A. You know, any kind of beer,
- 21 especially if it's used -- where is that?
- 22 Show me where that is.
- Q. I'm just asking you what brands
- 24 of beer?
- 25 A. And I'm asking you where that is?

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- J. Nofi
- Q. And I'm asking you what brands of
- 3 beer did Mr. Hesse ask you to confiscate?
- 4 A. You have to show me.
- 5 Q. Can you answer that without
- 6 looking at the document?
- 7 MR. GOODSTADT: Objection.
- 8 A. I don't know if he told me or it
- 9 was more like Pisettis used to ask me. He
- 10 might have asked me but I'm pretty sure it
- 11 was the Pisettis who asked me what kind or
- 12 brand to confiscate.
- 13 Q. Now, this was a confiscated on
- 14 the beach?
- 15 A. No.
- 16 Q. Where would the beer be, brands
- 17 of beer?
- 18 A. On the street, mostly the back
- 19 streets.
- 20 O. You testified earlier that one of
- 21 the examples of either abuse or of
- 22 corruption was Hesse made Fiorillo stand
- 23 under a light post for two to three days
- 24 without food?
- MR. GOODSTADT: Objection.

- J. Nofi
- 2 A. Yes, or drink.
- 3 Q. Without food or drink?
- 4 A. He wasn't allowed to move from
- 5 that spot.
- 6 Q. For three days?
- 7 A. Not in a row.
- 8 Q. Oh, okay, how long in a given
- 9 shift was Fiorillo required by Hesse to
- 10 stand without moving, without food or drink?
- 11 A. Eight hour shift.
- 12 Q. So for eight hours it's your
- 13 testimony that Hesse made Fiorillo stand
- 14 still under a lamp post without food, drink
- or the ability to go to a bathroom?
- 16 A. Yes.
- 17 Q. Did you ever take a videotape of
- 18 this?
- 19 A. No.
- 20 Q. Did you ever ask anyone to
- 21 videotape this?
- 22 A. No.
- Q. And this was for three straight
- 24 days?
- 25 A. Not in a row.

- J. Nofi
- Q. Not in a row?
- 3 A. Not three straight days.
- 4 O. I understand that, but three
- 5 straight days of eight hour shifts?
- A. Yes.
- 7 Q. Right, okay, and when did this
- 8 take place?
- 9 A. When we were working.
- 10 Q. What year?
- 11 A. I don't know the year. I just
- 12 know because I went up to him and said to
- 13 him, you know, Frank, if I feel bad for you,
- 14 and he wasn't allowed to even talk to me,
- 15 wasn't even allowed to talk to me.
- 16 O. So you don't know what year?
- 17 A. No.
- 18 Q. Was it 2005?
- 19 A. I don't know, I can't recall.
- 20 O. Paragraph 49, Hesse also required
- 21 plaintiffs during their tours of duty to
- 22 chauffeur him to and from different
- 23 residences, both inside and out of Ocean
- 24 Beach so Hesse could engage in sexual
- 25 escapades.

J. Nofi

- What is the basis of your
- 3 allegation that I've just read?
- 4 A. One incident I was working, I
- 5 think it was January, it was cold as
- 6 anything, I was doing a midnight shift, it
- 7 was dark as anything. I was patrolling the
- 8 streets and I seen a girl run by me, which I
- 9 didn't know what it was at first, it
- 10 startled me, you were there by yourself,
- 11 it's late at night, and I stopped and I'm
- 12 like where you going. Joey, it's me, I'm
- 13 like okay, how you doing. I said where you
- 14 coming from over there this late at night.
- 15 You know, it was like 2:00 in the morning,
- 16 and she said she was coming out of the
- 17 barracks and George was up there.
- 18 Q. Okay, that's good, I guess, but
- 19 the allegation is that you were chauffeuring
- 20 him to different residences both inside and
- 21 out of Ocean Beach so he can engage in
- 22 sexual escapades, and when I say you,
- 23 plaintiffs, not you personally.
- A. Right.
- Q. What is the basis for that

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- J. Nofi
- 2 allegation, to the best of your knowledge,
- 3 that plaintiffs chauffeured Mr. Hesse --
- 4 MR. GOODSTADT: Objection.
- 5 O. -- for sexual escapades?
- 6 A. I didn't chauffeur him personally
- 7 myself, other officers.
- 8 Q. So you were never in a car where
- 9 Mr. Hesse, in your opinion, was being
- 10 chauffeured to a sexual escapade either on
- 11 or off the island?
- 12 A. Not personally myself, no.
- 13 Q. So any knowledge you would have
- 14 as to this would be from someone else
- 15 telling you?
- 16 A. No, from seeing it being
- 17 chauffeured in the car, seeing someone else
- 18 chauffeur him.
- 19 O. Oh, you saw someone chauffeur
- 20 Hesse to a sexual escapade?
- 21 A. Well, not a sexual escapade but
- 22 someone's house who we, you know, know
- 23 what's going on. I didn't see him
- 24 personally have a sexual.
- 25 Q. Oh, so let me understand, you

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- J. Nofi
- 2 personally witnessed an officer driving
- 3 Mr. Hesse to someone's house on the island?
- 4 A. In Ocean Beach.
- 5 Q. In Ocean Beach?
- 6 ` A. Yes.
- 7 Q. And you speculate based on what
- 8 you saw that Hesse was going there for a
- 9 sexual escapade?
- 10 A. No, based on what the statement
- 11 was.
- MR. GOODSTADT: Objection.
- 13 O. Whose statement?
- 14 A. George's statement.
- 15 Q. George saying that he had sex
- 16 with a woman at that house?
- 17 A. No, that's not what he said.
- 18 When he came back to headquarters, at
- 19 headquarters, and I was doing dispatch, he
- 20 came back in and I don't want to say but he
- 21 said something very nasty what he did.
- Q. With a woman?
- 23 A. Yes.
- Q. It was of a sexual nature?
- 25 A. Yes.

- J. Nofi
- Q. Okay, how many times did you
- 3 witness this?
- 4 A. Three times.
- 5 Q. Over the span of five years?
- 6 A. No.
- 7 Q. No? You worked five years
- 8 though, right?
- 9 A. Yes, but I didn't work every time
- 10 he was there.
- 11 Q. I understand, I'm talking about
- 12 you witnessed it?
- 13 A. Yes.
- 14 O. Three times over five years.
- 15 When was the first time you witnessed
- 16 someone chauffeuring Hesse to a person's
- 17 house to have sex?
- 18 A. Probably around 2003, 2004.
- 19 Q. And when was the last time?
- 20 A. Just before I got let go.
- Q. Really, what month?
- 22 A. Probably was in the summertime,
- 23 probably May, June or July, most likely.
- Q. Okay, so it would have been May,
- 25 June or July of '05?

- J. Nofi
- 2 A. Yes.
- 3 Q. And did you complain to Hesse for
- 4 that incident in May, June or July of '05,
- 5 did you complain to Hesse about you having
- 6 to witness someone chauffeuring him for a
- 7 sexual escapade?
- 8 A. No.
- 9 Q. Did you ever complain to Hesse
- 10 about the fact that an officer was driving
- 11 him to someone's house to have sex?
- 12 A. How do you complain to your
- 13 superior officer about that?
- 14 Q. I'm asking you, did you ever
- 15 complain to him?
- 16 A. No.
- 17 Q. Did you ever complain to Paradiso
- 18 about that?
- 19 A. No.
- Q. Did you ever complain to Loeffler
- 21 about that?
- 22 A. No.
- Q. Did you ever complain to Hesse
- that by having been driven to someone's
- 25 house he was leaving the -- he was leaving

- J. Nofi
- 2 the village on that particular occasion
- 3 understaffed?
- A. No, because --
- 5 Q. Just yes or no.
- 6 A. No.
- 7 MR. GOODSTADT: Objection, he's
- 8 answering the question.
- 9 MR. NOVIKOFF: It was yes or no,
- 10 did you ever complain.
- 11 O. Did you ever complain to Paradiso
- 12 that on a particular occasion that you saw
- 13 Hesse being chauffeured for a sexual
- 14 escapade, he left the village short staffed?
- 15 A. He knew it already.
- Q. Did you ever complain, sir, to
- 17 Paradiso?
- 18 A. I think I might have complained
- once to Paradiso, it's possible, yes.
- Q. It's possible but you're not
- 21 sure?
- 22 A. Yes.
- 23 Q. When would that complaint have
- 24 taken place?
- 25 A. 2005.

- J. Nofi
- 2 Q. 2005, when in 2005?
- 3 A. I don't know.
- 4 Q. Okay, let's look at paragraph 51.
- 5 A. Okay.
- 6 O. Clearly outraged by plaintiffs
- 7 enforcement of the law against his friends
- 8 and acquaintances, Hesse instructed
- 9 plaintiffs and other officers under his
- 10 command not to issue summonses to certain
- 11 bars that Hesse and his click of uncertified
- 12 officers frequented both on and off duty,
- 13 even though these bars regularly served
- 14 alcohol to minors. Do you see that?
- 15 A. Yes, I do.
- Q. What bars are you referring to?
- 17 A. CJ's.
- 18 Q. Okay.
- 19 A. Housers, H-O-U-S-E-R-S, I don't
- 20 know if it's still called that though; Bacci
- 21 Beach.
- 22 Q. Okay.
- 23 A. There was another bar back then
- 24 but I don't know if it's the same name, it
- 25 used to be called the Alligator.

- J. Nofi
- 2 O. And how do you know these bars
- 3 were serving minors?
- 4 A. Because when I first started
- 5 there I was told they used to frequently do
- 6 stings in there and get underaged kids, and
- 7 then my department was doing stings for the
- 8 Clean Indoor Act and selling to underaged
- 9 kids, and they've gotten that Ocean Beach
- 10 like once or twice.
- 11 Q. So you say when you first
- 12 started, that would have been in 2000?
- 13 A. When I first started, yeah, they
- 14 had a female officer there.
- 15 O. When did you first start?
- 16 A. 2000.
- 17 Q. So you were told in 2000 that
- 18 there were certain sting operations that
- 19 took place in some of these bars in Ocean
- 20 Beach where underaged kids were drinking?
- 21 A. Well, not only underaged, selling
- 22 drugs and everything.
- 23 Q. How about 2001, how do you know
- 24 if these bars were serving underaged
- 25 individuals alcohol?

- J. Nofi
- 2 A. Because when people used to come
- 3 out we could see that they were underaged
- 4 and then ask them for ID.
- 5 Q. And when they showed you ID, and
- 6 you determined that they were underaged, did
- 7 you arrest them?
- 8 A. No. We either wrote up a
- 9 summons, and Frank would write up a summons,
- 10 or a lot of times it was just ripped up and
- 11 thrown away, thrown out.
- Q. By whom?
- 13 A. By George.
- 14 O. How do you know?
- 15 A. Because I seen him do it in front
- 16 of my face.
- 17 Q. All the time?
- 18 A. No, not all the time, no.
- 19 Q. How many times did he rip up a
- 20 summons in front of your face?
- 21 A. That I saw?
- Q. That you saw in your almost six
- 23 years of working there as part time.
- A. Four, five times tops.
- Q. How many summons did you write in Precise Court Reporting (516) 747-9393 (718) 343-7227 (212) 581-2570

- J. Nofi
- 2 that same time period concerning underaged
- 3 drinking?
- 4 A. How many did I write?
- 5 O. Yes.
- 6 A. I wrote under the ABC Law, which
- 7 is the ABC Law --
- 0. I understand what it is.
- 9 A. I would say maybe I wrote about
- 10 maybe five or six maybe.
- 11 O. So you wrote six summons for
- 12 underaged drinking in your tenure at Ocean
- 13 Beach police department and Hesse ripped up
- 14 about four or five of them?
- 15 A. Not mine, I said, I didn't say
- 16 mine.
- 17 Q. How many of yours did he, Hesse,
- 18 rip up?
- 19 A. I don't think he ripped up any of
- 20 mine.
- Q. Okay, paragraph 54, just read it
- and tell me when you're done.
- 23 A. Okay.
- Q. What personal knowledge do you
- 25 have with regard to the allegations in

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- J. Nofi
- 2 paragraph 54?
- MR. GOODSTADT: Objection.
- Q. If any.
- 5 A. On this one here?
- 6 O. Yes.
- 7 A. I probably seen it once or twice
- 8 happen but not that exact one.
- 9 Q. That's what I'm asking, the exact
- one that's being referred to in 54.
- 11 A. Just by, you know, what the other
- 12 officers were saying about this situation.
- 13 I don't know if I was working that night or
- 14 not on that situation but I heard all about
- 15 it.
- 16 Q. So the allegations in paragraph
- 17 54, you would only know from what other
- 18 officers told you?
- 19 A. On that one, yes.
- 20 Q. Okay, how about 55?
- 21 A. 55, oh, okay, this one I've seen.
- 22 For some reason, I don't know why, for the
- 23 last -- this is before I got let go, April
- 24 2, 2006, for some reason for the last two
- 25 years for some reason it just got really bad Precise Court Reporting (516) 747-9393 (718) 343-7227 (212) 581-2570

- J. Nofi
- 2 with Hesse, with Lamm. For some reason he
- 3 didn't like Lamm because he was doing his
- 4 job and for some reason Lamm was frequenting
- 5 the bars, doing violations for people
- 6 breaking the law, and Hesse didn't like the
- 7 idea that he was going in there because they
- 8 used to get drinks and frequent those bars,
- 9 and he used to always tell Lamm to stay
- 10 away, and he used to say things about Lamm
- in front of me numerous times, that, you
- 12 know, he's an asshole, nobody likes him here,
- 13 blah, blah, blah.
- Q. So when you say you personally
- 15 witnessed it, you are referring to Hesse
- 16 making a derogatory remark about Lamm?
- 17 A. Yes.
- 18 Q. As opposed to encouraging minors
- 19 to abuse alcohol?
- 20 A. Yes, and I was kind of shocked
- 21 about that then.
- Q. Shocked about what?
- 23 A. Because when I first started I
- 24 thought he was, you know, I thought Kevin
- 25 Lamm was George's best friend because, you Precise Court Reporting

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- J. Nofi
- 2 know, when I first started there used to be
- 3 pictures of Kevin on the wall.
- 4 Q. You were shocked that Hesse was
- 5 making derogatory statements about Lamm?
- A. Yes, because I thought they were
- 7 friends, you know, school friends before the
- 8 way I knew them.
- 9 Q. Let's look at paragraph 87.
- 10 Rather than address plaintiffs, this is
- 11 what's alleged, rather than address
- 12 plaintiffs refusal to engage in cover up to
- 13 Gary Pisetti's unlawful assault. Do you see
- 14 that?
- 15 A. Yes.
- 16 O. You were not asked to engage by
- 17 Hesse in any alleged cover up?
- 18 A. No, because I wasn't there that
- 19 night, I didn't work.
- Q. Let's look at paragraph 94.
- 21 Shortly before the April 2nd meeting
- 22 commenced Officer Hesse stated that
- 23 plaintiffs approach to law enforcement was
- 24 incompatible with his plans for a kinder and
- 25 gentler police department. Do you see that?

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- J. Nofi
- 2 A. Yes.
- 3 Q. Did you personally hear Mr. Hesse
- 4 make the statements that's quoted, that
- 5 being kinder and gentler police department,
- 6 closed quote?
- 7 A. No, just on the ferry, the other
- 8 officers stated it.
- 9 Q. My question, sir, is did you hear
- 10 it?
- 11 A. No.
- 12 Q. Let's look at paragraph 97.
- 13 Did Snyder or Carter ever tell
- 14 you that they were wearing a wire at the
- 15 request of the Suffolk County district
- 16 attorney's office?
- 17 A. No. Just what I told you about a
- 18 tape, that's how long ago.
- 19 Q. Right.
- 20 A. Right, it's different.
- Q. Now, sir, have you alleged in
- 22 this complaint that you have suffered
- 23 emotional and mental anguish as a result of
- 24 what's, of being told on April 2, 2006 that
- 25 you would no longer be working for Ocean

- J. Nofi
- 2 Beach?
- 3 A. Not mental, no, I went to a
- 4 doctor.
- 5 Q. What emotional injury, if any,
- 6 have you suffered?
- 7 A. Well, I couldn't sleep, you know,
- 8 my stomach, I had bad stomach pains, you
- 9 know, constantly, so I went to a doctor and
- 10 he gave me medication.
- 11 Q. Are you still taking that
- 12 medication?
- 13 A. No, I'm not.
- 14 O. When did you stop taking that
- 15 medication?
- A. A while.
- 17 Q. What's a while?
- 18 A. I only took it for like the
- 19 first -- to be honest with you, I only took
- 20 it for like the first two, three months.
- 21 Q. Pass?
- 22 A. And I didn't want to get addicted
- 23 to drugs. It was prescription drugs. I
- 24 figured I'd fight it myself, rather than get
- 25 addicted to drugs.

- J. Nofi
- Q. What doctor did you go to?
- 3 A. Dr. Shah, S-H-A-H.
- 4 Q. So what did he prescribe for you?
- 5 A. I don't know what it was.
- 6 Q. Okay, but it was a prescription?
- 7 A. For sleeping and for stomach.
- 8 Q. And you took it for a couple of
- 9 months?
- 10 A. Yes, just for like the first two,
- 11 three months.
- 12 Q. Then you stopped. Have you still
- 13 suffered lack of sleep and stomach pains?
- 14 A. Stomach pains ain't as bad but I
- 15 can't sleep at night.
- 16 O. And what do you attribute the
- 17 lack of sleep to?
- 18 A. Not sleeping.
- 19 O. No, but what caused it, do you
- 20 think?
- 21 A. Retaliation from doing this. I'm
- 22 nervous, you know. I'm never going to be a
- 23 cop again. My career is over for the rest
- 24 of my life, that I always wanted to be, I
- 25 went through an academy and I was proud when

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- J. Nofi
- 2 I came out. Now I'll never be a cop ever
- 3 again because of this, never again.
- 4 Q. You said you always wanted to be
- 5 a cop, is that true?
- 6 A. When I got older, yes.
- 7 O. When was the first time that you
- 8 wanted to be a cop?
- 9 A. I would say about 1998, 1997,
- 10 because I was getting ready to retire from
- 11 my other job and I wanted to take a career
- in law enforcement because what happened was
- 13 I was at the beach, at Fire Island in Davies
- 14 Park and --
- 15 O. I don't know need to know why.
- 16 A. Okay.
- 17 MR. GOODSTADT: Objection.
- 18 Q. Okay, so you decided or you came
- 19 to the opinion in '97, 98 that you wanted --
- 20 A. '98, '99.
- 21 Q. -- that you wanted to be a law
- 22 enforcement officer, correct?
- 23 A. Yes.
- Q. Did you apply with the New York
- 25 City Police Department?

- J. Nofi
 A. No.
- 3 Q. Did you apply for the Nassau
- 4 County Police Department?
- 5 A. No.
- 6 O. Did you apply for the Suffolk
- 7 County Police Department?
- 8 A. No.
- 9 Q. Did you apply with any police
- 10 department in '97 or '98?
- 11 A. I don't think so. I can't
- 12 remember that far back but I don't think I
- 13 did.
- Q. And how old were you at the time
- 15 in '97, '98?
- 16 A. 40.
- 17 O. Okay, and in 2000, 2001, 2002,
- 18 2003, 2004, did you ever apply to the New
- 19 York City Department of Police for a job?
- 20 A. New York City Police Department?
- 21 Q. Yes.
- 22 A. No.
- Q. Did you apply to Suffolk or
- 24 Nassau County?
- 25 A. No.

- J. Nofi
- Q. Did you apply to any police
- 3 department in the entire nation in 2000,
- 4 2001, 2002, 2003, 2004?
- 5 A. No. I took the job so I can
- 6 apply for another job down the road, because
- 7 that's what everybody does.
- Q. I understand that. My question
- 9 to you is, in 2001 -- I'm sorry, 2000, 2001,
- 10 2002, 2003, 2004 did you apply for a job at
- any police department in the United States?
- 12 A. I don't think so.
- 13 O. How about in 2005?
- 14 A. 2005? I'm not sure, I don't
- 15 know.
- 16 Q. You're not sure?
- 17 A. No.
- 18 Q. You wanted to be a police
- 19 officer, correct?
- 20 A. Yes, and I was one already.
- Q. And you're not sure as to whether
- 22 or not you made any application to any
- 23 police department in the entire nation in
- 24 2005?
- MR. GOODSTADT: Objection.

- J. Nofi
- Q. Is that your testimony?
- 3 A. Yes.
- 4 Q. How about 2006, other than
- 5 Collier County, did you apply for any
- 6 full-time position as a law enforcement
- 7 officer at any police department in the
- 8 entire United States?
- 9 A. I don't know. I don't know if I
- 10 did or not. I applied to a lot of police
- 11 departments in Long Island, Suffolk County.
- 12 Q. What police departments did you
- 13 apply to?
- 14 A. I told you all of them.
- 15 Q. Right, but I think you only
- 16 mentioned three or four?
- 17 A. No, I gave you like five or six.
- 18 Q. Okay.
- 19 A. But it was a waste of time
- 20 because I got the same results at every one.
- 21 Q. And you attribute your lack of
- 22 success directly to George Hesse, is that
- 23 true?
- A. Directly to George Hesse? 95
- 25 percent of it, I would say.

- 1 J. Nofi 2 Is it possible that you didn't 0. get any of these jobs because you were in 3 4 your mid to late 40s when you made the application? 5 6 MR. GOODSTADT: Objection. 7 Α. No. 8 0. Is it possible that you didn't 9 get any of these jobs because you didn't 10 have the requisite law enforcement 11 experience? 12 MR. GOODSTADT: Objection. 13 Α. No. 14 Isn't it true that Collier County Ο. at least notified you by letter that you 15 16 didn't have the two years full-time law 17 enforcement experience that they were 18 looking for? 19 After the fact, yes. Α. Q. 20 But they advised you of that? 21 After the fact, yes. Α. 22 Ο. Is it possible that you didn't get any of these jobs because you didn't 23 24 come across well during the interview? 25 MR. GOODSTADT: Objection.
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- J. Nofi
- 2 A. No.
- 3 Q. And so you believe that you
- 4 didn't get any of these jobs --
- 5 MR. NOVIKOFF: Well, withdrawn.
- 6 Q. So it's your testimony that it
- 7 was 95 percent, 95 percent of the reason why
- 8 you didn't get any of these jobs was because
- 9 of George Hesse?
- 10 A. Yes.
- 11 Q. And what, is it because that
- 12 George Hesse said something about you or is
- 13 it the fact that George Hesse advised you
- 14 that you were not going to be employed by
- 15 Ocean Beach?
- 16 A. Look at the blog, he stated that
- 17 I will never get a law enforcement job as
- 18 long as I live.
- 19 Q. But again the blog doesn't refer
- 20 specifically to George Hesse by name?
- 21 A. I think he said that to Carter, I
- 22 believe he said something like that, of that
- 23 fact to Carter.
- Q. You can't point to anything on
- 25 the blog where it says this blog was written

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- J. Nofi
- 2 by George Hesse, right?
- 3 A. No.
- 4 Q. Do you think that it's possible
- 5 that the reason you have not been hired by
- 6 any police department is because when they
- 7 do their background check on you they see
- 8 that not only have you sued Ocean Beach but
- 9 you sued your prior employer Meenan Oil?
- 10 A. No.
- 11 O. Isn't it possible --
- 12 A. Perfect record there.
- 13 Q. Isn't it possible, sir, that a
- 14 police department would not want to hire you
- 15 because they were concerned that if there
- 16 was an adverse employment action that you
- 17 would turn around and sue them?
- MR. GOODSTADT: Objection.
- 19 A. No, because they ask you
- 20 questions when you go for an interview, and
- 21 one of the main questions is that would you
- 22 turn in a bad cop for something, doing bad
- 23 and my answer is yes, and I think they like
- 24 that kind of stuff.
- Q. You think?

- J. Nofi
- 2 A. Yes.
- 3 Q. But they wouldn't tell you one
- 4 way or the another?
- 5 MR. GOODSTADT: Objection.
- 6 Q. So isn't it possible, sir, you
- 7 didn't get any of these jobs because a
- 8 police department was concerned that you
- 9 were too litigious?
- MR. GOODSTADT: Objection.
- 11 A. No.
- 12 Q. If you attribute 95 percent of
- 13 your failure to get a job with a police
- 14 department to George Hesse, what accounts
- 15 for the other five percent?
- 16 A. What's been going around all over
- 17 the county, everybody knows.
- Q. Okay, so it's the conversations
- 19 that other people were having around Suffolk
- 20 County concerning you?
- 21 A. What is said all over the
- 22 computers, yes.
- MR. NOVIKOFF: Okay, I got it.
- 24 You know what, let's take five
- and let's figure the logistics out.

J. Nofi 1 The time is 2 THE VIDEOGRAPHER: 4:37 p.m., we are going off the record. 3 (TIME NOTED: 4:47 P.M.) 4 (At this time Court Reporter 5 Arlene Sarica exited the room and was 6 7 replaced by Court Reporter Patricia Wor.) 8 THE VIDEOGRAPHER: The time is 9 4:59 p.m. and we're back on the record. 10 EXAMINATION BY 11 MR. NOVIKOFF: 12 Q. Sir, I believe you testified 13 earlier this afternoon that you applied to the New York State Department of Taxation & 14 15 Finance. Do you recall that?

- 16 A. Yes.
- 17 Q. What job were you seeking with the
- 18 department?
- 19 A. Exactly what you just said, New
- 20 York State Taxation & Finance.
- 21 Q. What specific job were you looking
- 22 for?
- A. That's what it is, it's for -- in
- 24 order to do taxation on cigarettes and stuff
- 25 like that, petroleum and liquor.

- J. Nofi
- Q. Was it a law enforcement type job
- 3 that you were applying for?
- A. Yeah, just goes -- there's no
- 5 test. It was just qualification, that's it.
- 6 MR. NOVIKOFF: Let's mark the
- 7 following document as Exhibit-15.
- 8 (Document bearing Bates stamp
- 9 NYSDTF 0001 was marked as Defendant's
- 10 Exhibit-15 for identification; 9-9-08,
- 11 P.W.)
- 12 Q. Sir, do you recall receiving
- what's been marked as Defendant's Exhibit-15?
- 14 A. Yes.
- 15 Q. Do you recall receiving it on or
- 16 about March 27, 2006?
- 17 A. Yes.
- 18 Q. Do you agree with me that if this
- 19 is an accurate letter this letter was drafted
- 20 on or before March 27, 2006?
- MR. GOODSTADT: Objection.
- 22 A. Yes, I guess so.
- 23 Q. This is a letter from the State of
- 24 New York Department of Taxation & Finance
- 25 advising you, Joseph Nofi, that you were not

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- J. Nofi
- 2 going to be hired by the Department of
- 3 Taxation & Finance. Do you see that?
- 4 A. A-huh.
- 5 Q. Can you please read into the
- 6 record the second full paragraph starting
- 7 with "unfortunately"?
- 8 A. "Unfortunately, the information
- 9 you submitted in your Form OC-APP does not
- 10 indicate that you meet the minimum
- 11 qualifications for this examination.
- 12 Specifically, you do not appear to have four
- 13 years of field investigative experience, with
- 14 or without an educational substitution."
- 15 Q. As you sit here today, do you
- 16 attribute your failure to get this particular
- 17 job on this particular occasion to anything
- 18 that Mr. Hesse said about you?
- 19 A. Yes, because I submitted first
- 20 paperwork for this job and my prior job was
- 21 Ocean Beach and then I got this letter after
- 22 that.
- Q. I'm sorry, say that again.
- 24 A. I submitted paperwork, I had to
- 25 tell her where I work prior to this, and, you Precise Court Reporting (516) 747-9393 (718) 343-7227 (212) 581-2570

- J. Nofi
- 2 know, where I worked, and then after that,
- 3 this letter came afterwards, after that.
- 4 Q. What did you see --
- 5 A. She had the -- she asked me -- she
- 6 told me that I have to contact your -- your
- 7 last employer, which was Ocean Beach Police
- 8 Department.
- 9 O. Who did she contact?
- 10 A. George Hesse.
- 11 Q. How do you know that?
- 12 A. Because he was the acting chief at
- 13 the time.
- 0. Didn't Collier County, shortly
- after April 2nd, 2006, contact Ed Paradiso?
- 16 A. After they talked to George first,
- 17 yes.
- 18 Q. You're certain as you sit here
- 19 today that the Department of Taxation &
- 20 Finance contacted Mr. Hesse?
- 21 A. Yes.
- Q. How are you so certain?
- A. Because they told him they were
- 24 going to contact him.
- Q. Have you seen any documentation

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- J. Nofi
- 2 from the State Department of Taxation &
- 3 Finance?
- 4 A. No.
- 5 Q. It would be fair to say that
- 6 you're completely speculating with regard to
- 7 what Mr. Hesse may or may not have said to
- 8 the Department of Taxation & Finance?
- 9 MR. GOODSTADT: Objection.
- 10 A. I'm not speculating. I'm just
- 11 going by what they said.
- 12 Q. Did they tell you what Mr. Hesse
- 13 said to them?
- 14 A. Of course not.
- 15 Q. That's my question, sir. What
- 16 evidence do you have to suggest that
- 17 Mr. Hesse, prior to March 27, 2006, defamed
- 18 you in any manner concerning your application
- 19 to the Department of Taxation & Finance?
- 20 A. Because they had had to get a
- 21 written letter back from him or a phone call
- 22 back from him and he stated how, you know, I
- 23 sue people, and he put that in there, I'm
- 24 sure, and he also put how I was let go
- 25 because I'm suing the department and other

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- J. Nofi
- 2 departments.
- 3 Q. Sir, this is March 27, 2006,
- 4 correct?
- 5 A. Yeah.
- 6 Q. You weren't advised that you were
- 7 being let go until April 2nd, 2006?
- 8 A. Yeah.
- 9 Q. So what makes you think that
- 10 Mr. Hesse advised the state prior to March
- 11 27, 2006 that you were let go?
- 12 A. Because I was let go January 1st
- 13 of 2006.
- Q. Oh, really? How do you know that?
- 15 A. Because you have the paperwork.
- 16 Remember, it stated I was terminated. I
- 17 wasn't told I was terminated until I got that
- 18 paperwork.
- 19 O. Have you seen a document that
- 20 reflects Mr. Hesse saying to the Department
- 21 of State Taxation & Finance that you were let
- 22 go because -- I mean, that they shouldn't
- 23 hire you because you were suing them?
- 24 A. No.
- Q. Have you seen any document -
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- J. Nofi
- 2 A. Just that --
- 3 Q. Sir, have you seen any document
- 4 pertaining to the application to the State of
- 5 New York Department of Taxation & Finance
- 6 concerning anything that Mr. Hesse stated?
- 7 A. No.
- 8 Q. This is your complete speculation;
- 9 isn't that true, sir?
- 10 A. No.
- 11 MR. GOODSTADT: Objection.
- 12 Q. No, it's not your speculation?
- 13 A. No.
- 14 Q. Where are you pulling this from,
- 15 sir?
- 16 A. I just told you, from that piece
- 17 of paper that stated that I was terminated in
- 18 January 1st of 2006.
- 19 O. So based upon that statement, that
- 20 document that you saw, it's your testimony
- 21 that Mr. Hesse defamed you to the Department
- 22 of Taxation & Finance?
- 23 A. Yes.
- 24 O. You're going to stick with that
- 25 testimony?

- J. Nofi
- 2 A. Yes.
- 3 Q. Okay. Let's then look at what
- 4 they said. "You do not appear to have four
- 5 years of field investigative experience, with
- 6 or without an educational substitution." Is
- 7 that an inaccurate statement?
- 8 A. I guess it could be an inaccurate
- 9 statement, because I was a cop for six years
- 10 before that and I do tobacco enforcement for
- 11 the county, and to me, that's -- the
- 12 qualifications that they wanted I met, I
- 13 believe.
- Q. So you think they were wrong?
- 15 A. Well, I'm not saying they were
- 16 wrong, but I'm saying whatever they sent me
- 17 back, I'm sure it had to do with talking to
- 18 them first.
- 19 Q. Again --
- 20 A. Again.
- 21 Q. -- based upon what you speculate
- 22 took place?
- A. Ahuh.
- Q. Well, then you didn't leave it at
- 25 that, sir, right, you follow up it with the

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- J. Nofi 1
- 2 Department of Taxation & Finance; isn't that
- 3 true?
- I believe I did, yeah. 4 Α.
- 5 In fact, you asked them to Q.
- reconsider? 6
- 7 Α. Yes.
- 8 You said that you would "welcome Q.
- 9 the opportunity to meet and discuss my
- character and work ethic with your 10
- 11 representative."
- 12 Α. Yes.
- What, if anything, did the 13 Q.
- Department of Taxation & Finance respond? 14
- 15 Α. I don't think I got anything back.
- 16 I'm not sure.
- 17 MR. NOVIKOFF: Let's mark the
- 18 following document as Exhibit-16.
- 19 (Document bearing Bates stamp
- NYSDTF 0003 was marked as Defendant's 20
- Exhibit-16 for identification; 9-9-08, 21
- P.W.). 22
- 23 Now, is Exhibit-16, putting aside Q.
- the handwriting on the bottom right hand --24
- on the bottom middle of this document, is 25

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- 1 J. Nofi
- 2 Exhibit-16 the letter that you wrote on or
- 3 about April 4th, 2006?
- 4 A. Say that again.
- 5 Q. Putting aside the handwriting that
- 6 appears in the middle to the bottom of `
- 7 Exhibit-16, is this the letter that you sent
- 8 to Ms. Deborah Shimkus at the Department of
- 9 Taxation & Finance asking them to reconsider
- 10 your application?
- 11 A. Yes, but I don't know what that is
- 12 down there.
- 13 Q. I said disregard that.
- 14 A. Okay, yes.
- 15 O. Isn't it true, sir, that your
- 16 attorney subpoenaed the Department of
- 17 Taxation & Finance for documents pertaining
- 18 to your application?
- 19 MR. GOODSTADT: Objection.
- 20 A. I don't know.
- Q. You don't know?
- 22 A. No, I don't know.
- 23 MR. NOVIKOFF: Let's mark the
- following -- the next document, and just
- for the record Exhibit-16 is NYSDTF 0003,

1	J. Nofi
2	and Exhibit-15 was NYSDTF 0001 to 0002.
3	Let's mark the following document
4	as Exhibit-17.
5	(Document bearing Bates stamp APD
6	0002 through 0003 was marked as
7	Defendant's Exhibit-17 for
8	identification; 9-9-08, P.W.)
9	MR. NOVIKOFF: I'm sorry, 15 is
10	one page, 15 is just 0001.
11	Q. Sir, I'm showing you what's been
12	marked as Exhibit-17. Did you apply for a
13	job with Amtrak?
14	A. Yes, on-line.
15	Q. On-line?
16	A. A-huh.
17	Q. What position were you seeking?
18	A. They were looking for Amtrak
19	security, police, whatever they're called.
20	Q. Would that have been a law
21	enforcement job, to your knowledge?
22	A. I believe I think they're peace
23	officers.
24	Q. What's the difference, to your

25

knowledge?

- J. Nofi
- 2 A. Police and peace officers are
- 3 different.
- 4 Q. I'm asking you, what's the
- 5 difference?
- 6 A. Peace officers get three months of
- 7 training. Police get six months of training.
- 8 Q. Did you get the job?
- 9 A. No.
- 10 Q. Let's look at 0003, which is the
- 11 second page. Did you write this?
- 12 A. Looks like everything else is
- 13 missing underneath it. I didn't -- probably
- 14 typed it on the computer, is that what you're
- 15 saying?
- 16 Q. Yes.
- 17 A. Yes. Probably, yes.
- 18 Q. This is what you submitted
- 19 on-line, right?
- 20 A. I think I submitted a lot more
- 21 than that. I'm not sure. I don't remember.
- Q. But you at least typed the
- 23 following, "I love to protect the life and
- 24 property" --
- 25 A. They asked you a question and I

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- J. Nofi
- 2 answered it, yes.
- Q. And you typed the following, "I
- 4 love to protect the life and property of all
- 5 people." Do you see that?
- A. Yes.
- 7 Q. And then you write "and to serve"
- 8 Y-H-E "public with respect." Do you see
- 9 that?
- 10 A. Yes. Typo, I see it.
- 11 Q. Do you think perhaps that you
- 12 didn't get the job with Amtrak because you
- 13 were so careless in your application that you
- 14 misspelled the word "the"?
- MR. GOODSTADT: Objection.
- 16 A. No.
- 17 Q. You don't think so?
- 18 A. No.
- 19 Q. You don't think that's an
- 20 important consideration for an employer to
- 21 look at, that an applicant on a two-sentence
- 22 resume -- application couldn't spell the word
- 23 "the" correctly?
- MR. GOODSTADT: Objection.
- 25 A. I think they want respectful

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- J. Nofi
- 2 people that uphold the law. That's what I
- 3 would think.
- 4 Q. You don't think they want
- 5 intelligent people that could spell the word
- 6 "the"?
- 7 DI MR. GOODSTADT: Objection. I
- 8 instruct you not to answer that, and I'm
- going to make an objection for the record
- that the next time there's any question
- about Mr. Nofi's intelligence, the second
- 12 comment you've made today questioning his
- intelligence, we're going to walk and
- make an application to the court?
- 15 MR. NOVIKOFF: You do what you
- 16 need to do.
- 17 Q. Sir, how many people have you ever
- 18 hired in your life?
- 19 A. No one.
- 20 Q. How many companies have you run?
- A. None.
- 22 Q. How many resumes have you had to
- 23 look at to determine whether or not someone
- 24 is qualified for the job?
- A. None.

- J. Nofi
- Q. How many resume do you think were
- 3 submitted to Amtrak on-line concerning your
- 4 application?
- 5 MR. GOODSTADT: Objection.
- 6 Q. Concerning the job that you were
- 7 applying for?
- 8 MR. GOODSTADT: Objection.
- 9 A. I don't know.
- 10 Q. You don't know?
- 11 A. No.
- 12 MR. NOVIKOFF: Let's mark the
- following document as Exhibit-18.
- 14 (Document bearing Bates stamp TSIP
- 15 0001 was marked as Defendant's Exhibit-18
- for identification; 9-9-08, P.W.)
- 17 Q. I'm going to show you what's
- 18 Exhibit-18, sir. What is Exhibit-18?
- 19 A. It's a resume.
- Q. Whose?
- A. Mine.
- Q. When did you apply for the job
- 23 with the Shelter Island Police Department?
- A. I'm not sure.
- Q. Did you apply before or after

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- J. Nofi
- 2 April 2nd, 2006?
- 3 A. I believe both, before and after.
- 4 Q. Before and after?
- 5 A. Yeah.
- 6 Q. When did you apply before?
- 7 A. I'm not sure.
- Q. A month before?
- 9 A. I'm not sure.
- 10 Q. A year?
- 11 A. I don't know.
- 12 Q. Do you know when you sent this
- 13 resume to the town of -- to the Shelter
- 14 Island Police Department?
- 15 A. No.
- 16 Q. Do you know how you sent this
- 17 resume to the Shelter Island Police
- 18 Department?
- 19 A. Yeah. By mail, I believe.
- 20 Q. By mail.
- 21 A. I could have e-mailed it to them.
- 22 I'm not sure, but I think it was by mail.
- Q. Let's, sir, assume for the purpose
- 24 of this question that this resume was sent to
- 25 the Shelter Island Police Department after

- J. Nofi
- 2 your -- after April 2nd, 2006. Okay?
- 3 Because you've testified that you recall
- 4 applying for the job after, as well as
- 5 before. Would it be fair to say that if you
- 6 sent this resume after April 2nd, 2006, that
- 7 this was not an accurate resume as to your
- 8 then employment with the Ocean Beach/Fire
- 9 Island Police Department?
- 10 A. After?
- MR. GOODSTADT: Objection.
- 12 A. Say that again.
- 13 O. Let's look at work experience. It
- 14 says "March 2001 to the present." Do you see
- 15 that?
- 16 A. Right.
- 17 Q. One of the employers that you list
- 18 is Ocean Beach/Fire Island police officer.
- 19 Do you see that?
- A. Right, a-huh.
- Q. Well, you no longer were an Ocean
- 22 Beach/Fire Island police officer as of April
- 23 2nd, 2006, correct?
- 24 A. Yes.
- 25 Q. So if you had sent this resume -Precise Court Reporting
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- J. Nofi
- 2 assuming you sent this resume after that
- 3 date, this resume would not be accurate,
- 4 correct?
- 5 A. Yes.
- `6 Q. Do you think it's possible that
- 7 the Shelter Island Police Department looked
- 8 at this resume and said, you know, he's no
- 9 longer working for Ocean Beach, why does he
- 10 maintain the fact that he is?
- MR. GOODSTADT: Objection.
- 12 A. No idea.
- 13 Q. That's right, you have no idea.
- MR. GOODSTADT: Objection.
- 15 MR. NOVIKOFF: Let's mark the
- following document as Exhibit-19.
- 17 (Document bearing Bates stamp SC
- 18 SPCA 0007 was marked as Defendant's
- 19 Exhibit-19 for identification; 9-9-08,
- 20 P.W.)
- 21 Q. Now, Exhibit-19 is marked SC SPCA
- 22 0007. Do you see that?
- 23 A. A-huh.
- 24 O. And it's dated November 28, 2006.
- 25 Do you see that?

- J. Nofi
- 2 A. A-huh.
- 3 Q. Would you agree with me that --
- 4 well, did you apply for a job with the
- 5 Suffolk County SPCA?
- 6 `A. Yes, I did.
- 7 Q. What job were you looking for?
- 8 A. It's a volunteer.
- 9 Q. Volunteer?
- 10 A. For animals' rights, for animal
- 11 cruelty.
- 12 Q. Did you ask Mr. Paradiso to submit
- 13 a letter of recommendation on your behalf?
- 14 A. I believe so, yes, I did.
- 15 Q. Is this Mr. Paradiso's letter of
- 16 recommendation, to the best of your
- 17 knowledge?
- 18 A. Yes. I don't know where this
- 19 letter went to because it doesn't say.
- Q. What's that?
- 21 A. I don't know where this letter
- 22 went to.
- Q. I'm representing that this came
- 24 from the Suffolk County SPCA.
- 25 A. Okay.

- J. Nofi
- Q. Sir, is it your testimony under
- 3 oath that that -- the signature that appears
- 4 on this document is in fact the signature of
- 5 Edward Paradiso?
- 6 A. Looks like he signed it, yeah.
- 7 Q. So if I ask Mr. Paradiso at his
- 8 deposition, he's going to testify that he
- 9 drafted this document?
- 10 A. I would say so, yeah.
- 11 Q. Did you get the job with the
- 12 Suffolk County SPCA?
- 13 A. No.
- Q. Did you see any documentation
- 15 concerning your application from George Hesse
- 16 wherein he maligned you or defamed you?
- 17 A. Yes, not documentation.
- 18 Q. I'm asking documentation.
- 19 A. No, no documentation.
- 20 Q. Did you receive any communication
- 21 from the Suffolk County SPCA that Mr. Hesse
- 22 maligned you or defamed you with regard to
- 23 your application?
- 24 A. Of course not.
- MR. GOODSTADT: Objection.

- J. Nofi
- Q. What's that?
- 3 A. Of course not.
- 4 MR. NOVIKOFF: Just read the
- 5 question back.
- 6 (The requested portion was read.)
- 7 Q. Sir, you testified earlier this
- 8 afternoon in response to one of my questions
- 9 that you retired from Meenan Oil. Do you
- 10 recall saying that?
- MR. GOODSTADT: Objection.
- 12 A. Yes, sir, I resigned.
- 13 Q. You resigned?
- 14 A. Yes. Same thing,
- 15 retired/resigned.
- 16 Q. So you equate resign and retire as
- 17 one in the same?
- 18 A. Yeah.
- 19 Q. Did you voluntarily retire from
- 20 Meenan Oil?
- 21 A. Yes.
- Q. Sir, do you recall filing a
- 23 lawsuit against Meenan Oil?
- 24 A. Yes.
- Q. Do you recall alleging that you

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- J. Nofi 1 were forced into early retirement and was 2 3 thereby constructively discharged to your financial detriment? 4 I don't know what you mean by 5 Α. 6 that. I resigned, because I have a letter of 7 resignation, and I have the letter at home. 8 MR. NOVIKOFF: Let's go off. 9 We'll pick it up. I probably have 10 another 20 minutes. THE VIDEOGRAPHER: This ends Tape 11 Number 5. The time is 5:20 p.m. we're 12 13 going off the record. 14 (A recess was taken.) 15 THE VIDEOGRAPHER: This begins 16 Tape Number 6. The time is 5:29 p.m. 17 We're back on the record. MR. NOVIKOFF: Let's mark the 18 19 following document as Exhibit-20. 20 (Summons and complaint was marked 21 as Defendant's Exhibit-20 for 22 identification; 9-9-08, P.W.) 23 Sir, I'm showing you what's been Ο. marked as Exhibit-20. Can you please read it 24 to yourself, if you need to, and then 25
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- J. Nofi
- 2 identify it for me, if you can?
- 3 A. Just the first page you want me to
- 4 read?
- 5 Q. Whatever you need to read in order
- 6 for you to identify it for me.
- 7 A. Okay.
- 8 Q. Do you recognize what has been
- 9 marked as Exhibit-20?
- 10 A. Yes. It's been a long time, but I
- 11 recognize it.
- 12 Q. Is that the summons and complaint
- 13 that you authorized your attorney to file on
- 14 your behalf against Meenan Oil?
- 15 A. Yes, I believe it is.
- 16 Q. Does the complaint and the
- 17 allegations of the complaint concern your
- 18 employment with Meenan Oil?
- 19 A. Meenan Oil, yes.
- Q. Let's go to page 10, sir.
- 21 A. Okay.
- 22 Q. The paragraph before paragraph 39,
- do you see where I'm referring to?
- A. Yeah.
- Q. You allege as through your

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- J. Nofi
- 2 attorney "rather than be exposed to further
- 3 emotional distress plaintiff was forced into
- 4 early retirement and was thereby
- 5 constructively discharged to his financial
- 6 detriment." Do you see that?
- 7 A. A-huh.
- 8 Q. You testified earlier that you
- 9 voluntarily retired. Do you recall that?
- 10 A. Resigned.
- 11 Q. But you said resigned meant the
- 12 same as retired, correct?
- 13 A. A-huh.
- Q. In light of this allegation, would
- 15 you like to correct your testimony as to
- 16 whether you voluntarily resigned?
- 17 MR. GOODSTADT: Objection.
- 18 A. No, because I sent in a letter of
- 19 resignation and I did resign.
- 20 O. But here, sir, you're saying you
- 21 were forced into early retirement. Do you
- 22 see that?
- 23 A. Yeah. A-huh.
- Q. You understand what the word
- 25 "forced" means?

- J. Nofi
- 2 A. Yes.
- 3 Q. "Forced" means to do something
- 4 involuntarily.
- 5 MR. GOODSTADT: Objection.
- 6 Q. Would you agree with me?
- 7 A. No.
- 8 Q. Okay, then tell me, sir, what do
- 9 you understand the word "force" means?
- 10 A. Someone tries to push you out
- 11 forcefully, I would say, but I resigned. I
- 12 wrote a letter of resignation.
- 13 O. So is this allegation incorrect,
- 14 that you were forced into retirement?
- 15 A. I don't know. She wrote it. I
- 16 didn't write that, the lawyer.
- 17 Q. Did you review this complaint for
- 18 accuracy?
- 19 MR. GOODSTADT: Objection.
- 20 A. I probably did. I probably didn't
- 21 understand something that was written in.
- Q. You probably what?
- 23 A. Didn't understand something that
- 24 was written in it.
- 25 Q. Got it.

. 1	J. Nofi
2	MR. NOVIKOFF: Let's mark the
3	next document as 21.
4	(Document bearing Bates stamp CCSO
5	0001 through 0005 was marked as
6	Defendant's Exhibit-21 for
7	identification; 9-9-08, P.W.)
8	Q. Sir, I'm going to show you what's
9	been marked as Exhibit-21, and, for the
10	record, it's CCSO 0001 through CCSO 0005, and
11	I'm going to ask you to review it and tell me
12	when you're done reviewing it.
13	A. Okay.
14	Q. Do you recognize this document?
15	A. Yeah, I believe so.
16	Q. What is this document?
17	A. For the Collier County.
18	Q. What is this document, sir?
19	A. It's an application for Collier
20	County.
21	Q. Application for employment?
22	A. I guess so, yeah.
23	Q. I'm not asking you to guess, sir.
24	I'm asking you
25	A. I believe it is, yes.

- J. Nofi
- Q. Let's look at the last page. Is
- 3 that your signature?
- 4 A. Yes.
- 5 Q. And the date is 4-3-06?
- 6 A. A-huh.
- 7 Q. So if I understand this correctly,
- 8 you executed this application one day after
- 9 George Hesse advised you that you were no
- 10 longer going to be employed by Ocean Beach.
- 11 Do you see that?
- 12 A. Yeah.
- 13 Q. Let's look at the second page,
- 14 CCSO 0002. Do you see that?
- 15 A. Yes.
- 16 Q. Let's look under list of all --
- 17 "list all employment beginning with present
- 18 employment." Do you see that?
- 19 A. A-huh.
- Q. You do state Ocean Beach Police
- 21 Department. Do you see that?
- 22 A. Yes.
- Q. Underneath the last column you
- 24 write "police/officer"?
- 25 A. A-huh.

- J. Nofi
- Q. Underneath that you write "still
- 3 there." Do you see that?
- A. Yes. I was still there in 2006.
- 5 Q. This is dated April 3rd, 2006,
- 6 sir. Do you see that?
- 7 A. Yes.
- 8 O. No. No. The last page, CCSO
- 9 number five.
- 10 A. Okay. Yeah.
- 11 O. It's dated April 3rd, 2006, right?
- 12 A. Yep.
- 13 Q. Can you please read the last
- 14 paragraph immediately preceding your
- 15 signature and date, sir?
- 16 A. Last paragraph?
- 17 O. A-huh.
- 18 A. "I understand and agree to the
- 19 above conditions" --
- Q. Read it into the record, sir.
- 21 A. "I understand and agree to the
- 22 above conditions, certify that all statements
- 23 made me in the application are true, correct
- 24 and complete to the best of my knowledge."
- 25 Q. I'll read that because it seemed

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- J. Nofi
- 2 to be a little muddled.
- 3 "I understand and agree to the
- 4 above conditions and certify that all
- 5 statements made by me on this application are
- 6 true, correct and complete to the best of my
- 7 knowledge." Do you see that?
- 8 A. Yes.
- 9 Q. Do you understand what the word
- 10 "certify" means?
- 11 A. Yes.
- 12 Q. What does the word "certify" mean?
- 13 A. That I'm still certified.
- Q. Oh, okay. You dated this April
- 15 3rd, 2006, right?
- 16 A. Yes.
- 17 Q. No reason to believe that you
- 18 didn't know the date that you signed this,
- 19 correct?
- 20 A. I still was certified as a peace
- 21 officer.
- 22 Q. Sir, page two you write that
- 23 you're still there. Do you see that?
- 24 A. Right.
- 25 Q. That means you were still employed

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- J. Nofi
- 2 by Ocean Beach, according to this document,
- 3 right?
- 4 A. Right.
- 5 O. That's not true?
- 6 A. But that says 2006. That doesn't
- 7 say the date there. That date I was still
- 8 certified as a law enforcement officer, yes,
- 9 I was.
- 10 Q. That's your answer?
- 11 A. Yes.
- 12 Q. Your answer, sir, when you write
- 13 "still there" means that you were still there
- 14 in 2006?
- 15 A. 2006.
- 16 Q. That's your answer?
- 17 A. Yes, that's when I was there.
- 18 Q. You're going to stand by that
- 19 testimony, sir?
- A. Absolutely, yes.
- Q. You got it. Let's move on.
- MR. NOVIKOFF: Let's mark the
- 23 next document as 22.
- 24 (Document bearing Bates stamp CCSO
- 25 0077 was marked as Defendant's Exhibit-22

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```
J. Nofi
 1
          for identification; 9-9-08, P.W.)
 2
 3
                Sir, 22 is marked CCSO 0077. Do
          Ο.
 4
     you recall receiving this letter from Collier
 5
     County?
 6
          Α.
                I believe so, yes.
 7
                Do you have any reason to believe
          Q.
     as you sit here today that you didn't?
 8
 9
          Α.
                No.
10
                MR. NOVIKOFF: Let's mark the
11
          next document as 23.
12
                 (Document bearing Bates stamp CCSO
          0078 was marked as Defendant's Exhibit-23
13
14
          for identification; 9-9-08, P.W.)
15
          Q.
                23 is CCSO 78. Do you recall
16
     sending Exhibit-23 to Diane E. Standish at
17
     Collier County on or about --
18
          Α.
                Yes.
                 -- May 15, 2006?
19
          Ο.
20
          Α.
                Yes.
21
                MR. NOVIKOFF: Mark the next
22
          document as Exhibit-24.
23
                (Document bearing Bates stamp CCSO
24
          0080 was marked as Defendant's Exhibit-24
25
          for identification; 9-9-08, P.W.)
```

- J. Nofi
- Q. Sir, do you recall receiving --
- 3 actually, 24 is CCSO 0080. Do you recall
- 4 receiving on or about April 26, 2006 this
- 5 letter from Diane E. Standish concerning your
- 6 application?
- 7 A. I believe so, yeah.
- 8 Q. Any reason to believe that you
- 9 didn't?
- 10 A. They send me a lot of papers. I
- 11 can't remember each one, what it said and
- 12 what it looked like.
- 13 Q. Any reason to believe that you
- 14 didn't receive this one, sir?
- 15 A. No.
- 16 MR. NOVIKOFF: Let's mark the
- 17 next document as 25.
- 18 (Document bearing Bates stamp
- 19 TORHP 0011 through 0014 was marked as
- 20 Defendant's Exhibit-25 for
- identification; 9-9-08, P.W.)
- 22 Q. Sir, I'm showing you what's been
- 23 marked as Exhibit-25, and, for the record,
- 24 it's TORHP 0011 through 0014. Do you see
- 25 that, sir?

- J. Nofi
- 2 A. Yes.
- Q. Let's look at the last page, 0014.
- 4 Is that your signature?
- 5 A. Yes.
- 6 0. Is that dated 12-21-2007?
- 7 A. A-huh.
- 8 O. And for what job were you
- 9 submitting this -- well, what is this
- 10 document, sir?
- 11 A. It looks like an application for
- 12 employment. I have no idea for what.
- 13 Q. You have no recollection 10 months
- 14 ago why you dated this document?
- 15 A. No, I don't, because it doesn't
- 16 say. I can't remember what it could be for.
- 17 Looks like something for the county because
- 18 it's open competitive examination and
- 19 noncompetitive appointments, so it looks
- 20 like -- yeah, Suffolk County. What, I don't
- 21 know.
- 22 Q. Is there any reference on this
- 23 document to your time as an employee of the
- 24 Ocean Beach Police Department?
- 25 A. I have no idea.

- J. Nofi
- Q. Well, please look at it and tell
- 3 me.
- 4 A. Okay. No clue. I don't see Ocean
- 5 Beach on here.
- 6 Q. Okay, sir, I'll represent, at
- 7 least according to my review of this
- 8 document, I don't see Ocean Beach either.
- 9 MR. GOODSTADT: Objection.
- 10 Q. So let's turn to TORHP number 12.
- 11 It's the second page. 14, "description of
- 12 experience, " do you see that?
- 13 A. "Description of experience"? Yes.
- 14 O. You're asked in this to, quote,
- 15 "beginning with the most recent, describe
- 16 below in detail all, " and "all" is
- 17 capitalized and italicized, "paid and
- 18 volunteer appointments relevant to the
- 19 position sought." Do you see that?
- 20 A. Where is that?
- 21 Q. Underneath 14 on the second page,
- 22 "description of experience."
- 23 A. I'm on -- page 12 you said?
- Q. Yeah, second page of this, TORHP
- 25 00 --

- J. Nofi
- A. 14, okay, go ahead.
- Q. I'll reread it. "Beginning with
- 4 the most recent, describe below in detail
- 5 all, " and "all" is capitalized and
- 6 italicized, "paid and volunteer employment
- 7 relative to the position sought." Do you see
- 8 that?
- 9 A. Yes.
- 10 Q. Let's go to page one, "exact title
- 11 of examination, P/T police officer." Do you
- 12 see that?
- 13 A. Yes.
- 14 Q. Does that refresh your
- 15 recollection as to what job or position you
- 16 were applying for?
- 17 A. No.
- 18 Q. Or what test you were taking?
- 19 A. I have no idea. Can you tell me?
- 20 Q. Let's go back to page two. You
- 21 write "Brookhaven Ambulance." Do you see
- 22 that?
- 23 A. Yes.
- Q. You wrote from "'94 to '97." Do
- 25 you see that?

- J. Nofi
- 2 A. Yes.
- 3 Q. So it would be fair to say that
- 4 you stopped working for the Brookhaven
- 5 Ambulance in 1997?
- 6 A. I never worked there. 'I
- 7 volunteered.
- 8 O. Fine, then volunteered. You
- 9 stopped volunteering for Brookhaven in 1997?
- 10 A. Yes, because I had --
- 11 O. I don't need to know why. I
- 12 just --
- 13 A. Okay.
- 14 Q. Then you go to the next page,
- 15 TORHP 13, you make reference to your present
- 16 job with the Suffolk County Health Services.
- 17 Do you see that?
- 18 A. Yes.
- 19 Q. And then you make reference to
- 20 Town of Babylon Public Safety. Do you see
- 21 that?
- 22 A. Yes.
- Q. Would you agree with me that the
- 24 Town of Babylon Public Safety is a law
- 25 enforcement type job?

- J. Nofi
- 2 A. Not really, no, it's not,
- 3 because --
- 4 Q. No?
- 5 A. No, it is not.
- Q. Why not?
- 7 A. Because we don't have arrest
- 8 powers. We don't arrest anybody.
- 9 Q. Is there any reason why, as you
- 10 sit here today, that you can recall you
- 11 didn't put down Ocean Beach on this
- 12 application?
- 13 A. I guess when I was filling this
- 14 out I guess I might have already gone from
- 15 Ocean Beach.
- 16 Q. Well, you were already gone from
- 17 Ocean Beach, so the question I'm asking you
- 18 is, if you know or if there is any reason,
- 19 can you recall, as you sit here today, why
- 20 you didn't put Ocean Beach?
- A. Two reasons.
- 22 O. Why?
- 23 A. Either I was gone already from
- Ocean Beach or I didn't want to bother
- 25 putting that down again and being rejected

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- J. Nofi
- 2 from another job.
- 3 Q. Is it your testimony that you
- 4 would be less than candid in your job
- 5 applications by not including Ocean Beach in
- 6 order to get a job?
- 7 MR. GOODSTADT: Objection.
- 8 A. Yes.
- 9 Q. Your answer was "yes"?
- 10 A. What was that question again?
- 11 Q. You know what, the answer stays.
- 12 MR. GOODSTADT: So does my
- objection.
- 14 MR. NOVIKOFF: I get that, that's
- 15 fine.
- 16 Q. What jobs, if any, have you
- 17 applied for after you got the Babylon job?
- 18 A. I don't thìnk any. I don't know
- 19 if I did or not.
- 20 MR. NOVIKOFF: Give me two
- 21 minutes. Let me discuss with Mr. Welsch
- if there are any other areas and then I
- may be done.
- 24 THE VIDEOGRAPHER: The time is
- 5:49 p.m. and we're going off the record.

```
J. Nofi
1
2
                 (A recess was taken.)
3
                 THE VIDEOGRAPHER: The time is
          5:51 p.m. and we're back on the record.
4
                Sir, you were hired by Babylon in
5
          Q.
6
     '07, correct?
7
          Α.
                 I guess so, yeah.
8
          Q.
                 I don't want you to guess.
9
                 I believe so, yeah.
          Α.
                When in '07?
10
          Q.
                 I believe -- when in '07?
11
          Α.
12
          Q.
                Yes.
                 I don't know. I can't recall.
13
          Α.
14
          Q.
                Given that we don't have any
15
     documents from you on this, I'm going to have
16
     to ask the following questions, and we're
17
     going to keep the deposition open concerning
18
     what I believe to have been a failure to
19
     produce some documents concerning Babylon.
20
                 Is that a part-time job?
21
          Α.
                 Yes.
22
          Q.
                 How many hours per week do you
23
     work at Babylon?
2.4
          Α.
                 It depends.
                 On what?
25
          Q.
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- J. Nofi
- 2 A. Depends how many hours I put in.
- 3 Sometimes I put in a lot of hours. Sometimes
- 4 I don't. It depends.
- 5 Q. How much do you make per hour?
- A. 12 bucks an hour.
- 7 Q. How much were you making at Ocean
- 8 Beach?
- 9 A. Almost 20.
- 10 Q. Compared to the amount of hours
- 11 you worked at Ocean Beach, do you work more
- 12 or less for Babylon?
- 13 A. It varies. Less sometimes, more
- 14 sometimes, just like --
- 15 O. Have you filed any tax returns
- 16 which would reflect your employment with
- 17 Babylon?
- 18 A. Absolutely.
- 19 Q. Do you have a W-2 in your
- 20 possession that would reflect the amount of
- 21 money that you were paid by Babylon in 2007?
- A. Today?
- 23 O. In your possession, not today, in
- 24 your possession.
- 25 A. Yes. I should have them, yeah.

. 1	J. Nofi
2	RQ MR. NOVIKOFF: Obviously I'm
3	going to call for production of all
4	documents pertaining to your application
5	and employment with Babylon, but I'll ask
6	the court reporter to leave a space in
7	the transcript and please for 2007
8	identify in that space the amount of
9	money that's reflected on your W-2 for
10	the Town of Babylon. Obviously 2008
11	isn't over yet so you don't have a W-2.
12	And with that I am concluding.
13	INSERT:
14	MR. CONNOLLY: Good afternoon,
15	Mr. Nofi. I represent George Hesse in
16	this lawsuit. I'm just going to have
17	just a few questions following up.
18	EXAMINATION BY
19	MR. CONNOLLY:
20	Q. Dr. Shah prescribed certain
21	medication for you, would that be correct, in
22	connection with the stomach?
23	A. Say that again.
24	Q. Dr. Shah
0.5	

Shah you mean? Did he -- he's my

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25

Α.

- J. Nofi
- 2 doc for a long time, he's really good and I
- 3 trust him and he gave me two prescriptions.
- 4 Q. Did you have those prescriptions
- 5 filled?
- 6 A. Yes, I did.
- 7 Q. Where did you have them filled?
- 8 A. I think CVS where I live.
- 9 Q. What location would the CVS be at?
- 10 A. I believe it's Bellport Village.
- 11 Q. Any medical bills in connection
- 12 with your consulting or treating with
- 13 Dr. Shah paid by insurance?
- 14 A. I believe, yeah, except for the
- 15 co-payments going.
- Q. What would be the name of the
- 17 insurance?
- 18 A. Blue Cross/Blue Shield Empire.
- 19 Q. Earlier I believe you indicated
- 20 that you felt you were defamed on a blog; is
- 21 that correct?
- 22 A. Yes.
- Q. What type of blog is that?
- A. I don't know. It was on a blog.
- Q. How did you first become aware of Precise Court Reporting (516) 747-9393 (718) 343-7227 (212) 581-2570

- J. Nofi
- 2 the blog?
- 3 A. My people just told me that my
- 4 name was on a blog. My wife told me, my son,
- 5 he printed it out for me.
- 6 Q. Did you keep a copy of those
- 7 printouts?
- 8 A. Yeah, I should have them, if I
- 9 could find them, I'll -- you know, I'm almost
- 10 positive I still got them.
- 11 Q. Did you make any entries into that
- 12 particular blog?
- 13 A. No.
- 14 Q. Did Edward Carter ever tell you he
- 15 made any entries into that blog?
- 16 A. No.
- 17 O. Did Frank Fiorillo ever tell you
- 18 he made entries into that blog?
- 19 A. No.
- 20 O. Did Kevin Lamm ever tell you he
- 21 made entries into that blog?
- 22 A. No.
- Q. And did Thomas Snyder tell you he
- 24 ever made entries into the blog?
- 25 A. He didn't tell me, but I heard

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- J. Nofi
- 2 that he made one remark stating a statement
- 3 that someone said to him he just stated back
- 4 once.
- 5 O. Earlier you indicated that your
- 6 people made you aware of the blog. Who do
- 7 you mean by your people?
- 8 A. Well, my wife and my son told me
- 9 and people, you know, told me that, you know,
- 10 out in the street, friends of mine, look, you
- 11 better go on the blog, your name is being
- 12 talked about on the -- about the Ocean Beach
- 13 situation, because they been reading the
- 14 paper and everybody goes on, I guess, the
- 15 blog -- the computer, blog, whatever it is.
- 16 MO MR. NOVIKOFF: Motion to strike.
- 17 O. Earlier I believe you indicated
- 18 that prior to the meeting that was held at
- 19 the police headquarters on April 2nd, 2006 --
- 20 A. 2nd, 2006.
- 21 MR. GOODSTADT: Let him ask the
- 22 question.
- Q. -- you had a conversation with
- 24 Officer Embry?
- 25 A. Did I have a discussion with

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- J. Nofi
- 2 Officer Embry?
- 3 O. Yes.
- A. I didn't say I had a discussion
- 5 with him. He said something to me.
- `6 O. What did he say?
- 7 A. I was sitting on the Bay Shore
- 8 side by the ferry terminal, waiting for the
- 9 ferry to come in, and I had my gun with me
- 10 because I was told to bring my gun and my
- 11 pants, my shirt, and he came up to me, he
- 12 said, "What are you doing with that?" He
- 13 said, "Are you working today?" I said, "No.
- 14 George told me to bring our stuff in the
- 15 letter, " and he laughed. He make a smirk.
- 16 He goes, "Oh, really." And he made a little
- 17 wise remark and that was it.
- 18 Q. What was the wise remark?
- 19 A. A comment, like, you know, ha, ha.
- 20 MR. CONNOLLY: I have no further
- 21 questions. Thank you.
- MS. ZWILLING: Good evening,
- 23 Mr. Nofi. I'm Arlene Zwilling. I
- 24 represent Alison Sanchez and Suffolk
- 25 County here, and I also have just a few Precise Court Reporting (516) 747-9393 (718) 343-7227 (212) 581-2570

- J. Nofi
- 2 questions for you.
- 3 EXAMINATION BY
- 4 MS. ZWILLING:
- 5 Q. The blog that we've been speaking
- 6 about today, is that the Long Island Politics
- 7 Message Board?
- 8 A. I have no idea. I never went on
- 9 it. Just what my son printed out. He might
- 10 have told me that's what it was on, but I
- 11 don't know.
- 12 Q. Did you ever read any entries on
- the blog by Alison Sanchez?
- A. Not that I know of, no, just what
- 15 was printed to me.
- 16 Q. So did anyone ever tell you that
- 17 Alison Sanchez was making entries on the
- 18 blog?
- 19 A. No, not that I know of.
- Q. Now, you mentioned that you had
- 21 seen Mr. Hesse go to the homes of various
- 22 women. Have you ever seen him go to Alison
- 23 Sanchez's home?
- 24 A. No.
- 25 Q. Have you ever seen Alison Sanchez

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- J. Nofi
- 2 go to his home?
- 3 A. No.
- 4 Q. Did anyone ever tell you that they
- 5 knew of Mr. Hesse or Ms. Sanchez being in
- 6 each others homes?
- 7 A. Say that again.
- Q. Did anyone ever tell you that they
- 9 knew of Mr. Hesse or Ms. Sanchez being in
- 10 each others homes?
- 11 A. No.
- 12 Q. Did George Hesse ever tell you
- 13 that he engaged in sexual relations with
- 14 Alison Sanchez?
- 15 A. No. Not to me, no.
- 16 Q. Did Alison Sanchez ever tell you
- 17 that she engaged in sexual relations with
- 18 George Hesse?
- 19 A. No.
- Q. Did you ever meet with Alison
- 21 Sanchez at any time, other than the meeting
- 22 you had mentioned to us which took place at
- 23 civil service?
- 24 A. Did I ever meet her like
- 25 face-to-face?

- J. Nofi
- 2 Q. Yes.
- 3 A. No, not that I believe. I don't
- 4 think so. I think I might have talked to her
- 5 on the phone once after that, but that's it.
- 6 Q. Did you ever see Ms. Sanchez in
- 7 Mr. Hesse's presence at any time?
- 8 A. No.
- 9 Q. I would like you to take
- 10 another look at Defendant's Exhibit-A,
- 11 specifically --
- MR. NOVIKOFF: 1.
- 13 Q. I'm sorry, Defendant's Exhibit-1.
- 14 Specifically paragraph 117, page 27.
- 15 A. Page 27?
- 16 Q. Yes, paragraph 117. Let me just
- 17 direct your attention to the first couple of
- 18 lines where you mention reports being made of
- 19 endemic corruption and abuse of power by
- 20 members of the Ocean Beach Police Department.
- 21 Did you personally ever report such behavior
- 22 to anyone with the Suffolk County Department
- 23 of Civil Service?
- 24 A. I don't believe I did.
- Q. Can you tell me the date of your

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- J. Nofi
- 2 meeting with Alison Sanchez at the Suffolk
- 3 County Department of Civil Service?
- A. I'm not sure if it was the next
- 5 day or the next two, three days.
- 6 Q. Was it some time in April 2006?
- 7 A. Yes.
- 8 Q. Did you graduate from the Suffolk
- 9 County Police Academy?
- 10 A. A-huh.
- 11 Q. How long was your course of study
- 12 there?
- 13 A. I believe it was six months two
- 14 weeks.
- 15 Q. How many recruits were in your
- 16 police academy class?
- A. How many what?
- 18 Q. How can recruits were in your
- 19 police academy class?
- 20 A. 13, 14, 15. Well, in the
- 21 beginning it was a lot more but a lot failed
- 22 out.
- 23 Q. From what police departments were
- 24 the other recruits in your class?
- 25 A. Suffolk County Park Police,

- J. Nofi
- 2 Southhampton Town Village Police, I think
- 3 Southhampton Town Police, Amityville Village
- 4 Police, Ocean Beach, and I think there was
- 5 one for -- oh, Huntington Bay Police.
- 6 O. Did you have a period of field
- 7 training after you completed your academy
- 8 course work?
- 9 A. After the academy?
- 10 Q. Yes.
- 11 A. Field training from Ocean Beach?
- 12 O. Yes.
- A. When you mean "field training,"
- 14 you mean pregualified at the range and all
- 15 that?
- 16 Q. No. I mean a period of on-the-job
- 17 training.
- 18 A. No. They just told me to go out
- in the back of the streets and, you know,
- 20 basically learn myself, but there was an
- 21 Officer Bridget Peterson that used to worked
- 22 there. She trained me herself, took upon her
- 23 to train me a lot. She helped me.
- Q. And Officer Peterson was employed
- 25 by the Ocean Beach Police Department?

- J. Nofi
- 2 A. Yes. She's no longer there. She
- 3 sued them, actually.
- 4 MO MR. NOVIKOFF: Motion to strike.
- 5 Q. Were you considered a probationary
- 6 police officer when you first joined the
- 7 Ocean Beach Police Department?
- 8 A. Was I what?
- 9 Q. Considered a probationary police
- 10 officer.
- 11 A. Yes, because they had to do
- 12 evaluations I think every six months.
- 13 Q. For how long were you on
- 14 probation?
- 15 A. I think it's six months to a year
- 16 maybe. That's the basic probation. I know
- 17 that's for the county, it's usually six
- 18 months.
- 19 Q. I'm not asking you about what the
- 20 county's requirements are.
- 21 A. I guess it's six months to a year,
- 22 I would say.
- Q. Now, when you met with Alison
- 24 Sanchez that day at Suffolk County Civil
- 25 Service, did you personally speak with her?

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- J. Nofi
- 2 A. Yes.
- 3 Q. What did you tell her?
- 4 A. Just complaining about, you know,
- 5 and asking for my rights, and I just told her
- 6 that I work right across the street in front
- 7 of her, the building in front of her,
- 8 adjacent, in front of her, and I wanted to
- 9 remain confidentiality because I'm nervous
- 10 about retaliation at my job from there and
- 11 Ocean Beach.
- 12 O. When you say you made complaints
- 13 to her, what were complaints that you made?
- 14 A. Just, you know, that I worked a
- 15 certain amount of years and what's my rights
- 16 and I felt that I was let go wrongfully, let
- 17 go because they let me go and hired other
- 18 people who were uncertified and that I think
- 19 they were wrong. I can't remember
- 20 everything.
- Q. Were you seeking legal advice from
- 22 Ms. Sanchez?
- 23 A. I don't know if you -- I don't
- 24 know if I could call it legal advice. I was
- 25 just asking her questions and she wasn't too

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- 1 J. Nofi
- 2 answerative (phonetic), and then Frank and
- 3 Kevin started asking her question.
- 4 O. I'm not asking what Frank and
- 5 Kevin were doing. I'm asking you if you were
- 6 seeking legal advice in the conversation with
- 7 her.
- 8 A. I don't know if it was legal
- 9 advice. I was just asking her questions.
- 10 O. Was it your belief at the time
- 11 that she was an attorney?
- 12 A. No.
- 13 Q. Why did you choose Alison Sanchez
- 14 to request advice from?
- 15 A. Because when we went into civil
- 16 service department, that's who came out to
- 17 take us in the office.
- 18 Q. Had you heard of Alison Sanchez's
- 19 name before that day?
- 20 A. Alison Chester, Sanchez now. I
- 21 don't think I did, no. I just think that
- 22 either that day or the day before Frank was
- 23 just saying we're going to see somebody in
- 24 civil service and the one that runs the Ocean
- 25 Beach Village civil service is Alison

- J. Nofi
- 2 Chester. I'm not 100 percent sure, but I
- 3 believe it was that day he told me when I met
- 4 him there or the day before.
- 5 Q. What discussion about
- 6 confidentiality did you have with her?
- 7 A. Just about, you know, I didn't
- 8 want to let nobody know whatever we talked
- 9 about here get outside.
- 10 Q. Did you express that to her?
- 11 A. Yes.
- Q. Did she respond to that in any
- 13 way?
- 14 A. She told me that it would remain
- 15 confidential because in Suffolk County Civil
- 16 Service it has to remain confidential.
- 17 Q. Did she explain to you why that
- 18 was the case?
- 19 A. Because it's the law, civil
- 20 service law, whatever stays here can't --
- Q. Did Ms. Sanchez actually use those
- 22 words or are you just assuming that that was
- 23 her reasoning?
- A. I think that's how she put it.
- Q. When you met with Ms. Sanchez that

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- J. Nofi
- 2 day, did she indicate that she was going to
- 3 do anything on your behalf or the behalf of
- 4 your other plaintiffs?
- 5 A. I'm not -- I think she said
- 6 something about maybe you could write a
- 7 letter also. I'm not sure. She might have
- 8 said that.
- 9 Q. My question to you is did she
- 10 state that she was going to do anything on
- 11 your behalf?
- 12 A. Oh, no.
- 13 O. Did she state she was going to do
- 14 anything on behalf of the other plaintiffs?
- 15 A. No. They were talking to her and
- 16 I wasn't really paying attention when they
- 17 were talking to her. I was like disarray at
- 18 the time.
- 19 O. Did she indicate to you that she
- 20 was going to take any further action?
- 21 A. To me?
- 22 Q. Yes.
- A. No. Not really, no, not that I
- 24 could remember.
- 25 Q. Did she ever tell you that she

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- J. Nofi
- 2 spoke with George Hesse after meeting with
- 3 you?
- A. Did she tell me personally to me?
- 5 Q. Yes.
- 6 A. No.
- 7 Q. Did George Hesse tell you that he
- 8 spoke with Ms. Sanchez after you met with
- 9 Ms. Sanchez?
- 10 A. No.
- 11 O. Did someone else tell you that
- 12 Ms. Sanchez and Mr. Hesse had a conversation
- 13 after your meeting?
- 14 A. Yes.
- 15 Q. Who was it that told you that?
- 16 A. Well, we figured it out on the
- 17 blogs and Eddie Carter sort of mentioned it.
- 18 I heard him talking about it.
- 19 Q. Did anyone personally tell you
- 20 about that is my question?
- 21 A. Not to my face, no.
- 22 O. What was it that Ed Carter did?
- A. What did he do?
- 24 Q. Yes.
- 25 A. I don't know. He had a meeting

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- J. Nofi
- 2 with George Hesse.
- MR. GOODSTADT: Objection.
- 4 Q. You mentioned that Ed Carter said
- 5 something about Mr. Hesse and Ms. Sanchez
- 6 speaking. What were you referring to?
- 7 A. That he just had a conversation
- 8 with George Hesse, had a meeting, sat down
- 9 with George and he asked George and George
- 10 said something like to the fact that you guys
- 11 didn't think, knew I had a hook in the civil
- 12 service department, you didn't know that --
- 13 you think I wouldn't know that you guys went
- 14 there, something in that kind of form. I'm
- 15 not exactly -- that's exactly what he told
- 16 me, but it was like that.
- 17 Q. Did Ed Carter say this to you in
- 18 person?
- 19 A. I think he said it to me in person
- or I was with maybe the other two guys when
- 21 he said it to me, the other two officers,
- 22 Frank and Kevin.
- 23 Q. Did you ever speak to Ms. Sanchez
- 24 after the meeting at civil service?
- 25 A. I think, like I said, I'm not

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- J. Nofi
- 2 sure, I think I might have talked to her on
- 3 the phone for about five seconds, 10 second.
- 4 After or before, that I can't remember.
- 5 Q. Have you ever seen her since that
- 6 day?
- 7 A. I seen her in the civil service
- 8 building walking around, but I never said hi
- 9 to her, looked at her.
- 10 O. When was the last time you saw
- 11 Ms. Sanchez in the civil service building?
- 12 A. April 2006.
- 13 Q. Have you seen her anywhere else
- 14 since April 2006?
- 15 A. No, unless she went to a union
- 16 meeting, I don't know. She might have seen
- 17 me. I didn't see her.
- 18 Q. Do you have any knowledge as to
- 19 what her marital status is?
- 20 A. Yeah. What I read in the paper.
- 21 I think it was in the Suffolk Life, that's
- 22 where she changed her name. It was in the
- 23 Suffolk Life stating that she got married. I
- 24 think there was a picture of her with another
- 25 woman and she changed her name. That's where

- 1 J. Nofi
- 2 I think she got the name from Chester to
- 3 Sanchez.
- 4 Q. Do you know what the gender of
- 5 Ms. Sanchez's spouse is?
- 6 `A. Female.
- 7 MS. ZWILLING: No further
- 8 questions.
- 9 MR. GOODSTADT: I don't have any
- 10 questions. I want to reserve the right
- 11 to review and sign the transcript and I
- 12 also want to mark the transcript as
- 13 confidential pending review.
- 14 MR. NOVIKOFF: Well, I believe
- 15 your witness has the right under the
- 16 rules to review and certify the
- 17 transcript.
- 18 MR. GOODSTADT: I don't know if
- 19 the rules require it anymore, so I just
- 20 want to reserve.
- MR. NOVIKOFF: Okay, whatever it
- is. I'm not going to agree that the
- 23 deposition is confidential. That's
- 24 something -- but I will acknowledge that
- 25 to the extent I am inclined to disclose

1	J. Nofi
2	publicly any aspect of this deposition
3	testimony, I don't foresee why I would, I
4	would certainly give you the courtesy of
5	a phone call so that you would have an
6	opportunity to go to court and seek some
7	time of protection. I don't know why
8	this should be confidential at all, so
9	I'm going to oppose that application.
10	THE VIDEOGRAPHER: This completes
11	today's deposition for Joseph Nofi,
12	September 9th, 2008. The time is 6:10
13	p.m. and we are off the record.
14	(TIME NOTED: 6:10 P.M.)
15	
16	
17	JOSEPH T. NOFI
18	
19	Subscribed and sworn to
20	before me this day
21	of2008.
22	
23	
24	NOTARY PUBLIC
25	
	Precise Court Reporting

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. 1	
2	CERTIFICATION
3	WE, Arlene Sarica and Patricia
4	Wor, Notaries Public in and for the State of
5	New York, do hereby certify:
6	THAT the witness(es) whose
7	testimony is herein before set forth, was
8	duly sworn by Arlene Sarica; and
9	THAT the within transcript is a
10	true and accurate record of the testimony
11	given by said witness(es).
12	WE further certify that we are not
13	related either by blood or marriage, to any
14	of the parties to this action; and
15	THAT we are in no way interested
16	in the outcome of this matter.
17	IN WITNESS WHEREOF, we have
18	hereunto set our hand this 12th day of
19	September 2008.
20	
21	freae farica
22	ARLENE SARICA
23	Q + · · ·
24	Jamus Wos
25	PATRICIA WOR
	Precise Court Reporting

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Τ	
2	ERRATA SHEET
3	I wish to make the following changes,
4	for the following reasons:
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